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D E B A T E S O F T H E L E G I S L A T I V E

A S S E M B L Y O F

U N I T E D C A N A D A

Volume XII

Part III

1854 - 1855

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'étude du Québec
and the
Centre de recherche en histoire économique et sociale du Québec (CHE)

General Editor
Elizabeth Abbott Gibbs

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume XII, Part III
1854 - 1855

Edited by
Kathleen McManus

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE ET SOCIALE DU QUEBEC (CHE)
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The list of 22 newspapers contained in the Introduction to Volume XII, Part I, includes mention of the following newspaper, however, it has been noted that the origin of the reports has since changed.

NEWSPAPER	DISTRICT, SECTION	LANGUAGE	POLITICAL ORIENTATION	WEEKLY DISTRIBUTION	ORIGIN OF REPORTS
OTTAWA CITIZEN	Ottawa, U.C.	English	Reform	Weekly	Original.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Patrick Rooney and others; and the Petition of Christina Blackie, widow of the late Robert W.S. Mackay, of the City of Montreal.

By Mr. Hartman,--The Petition of William Gamble, on behalf of the President, Directors and Company of the Humber Harbour and Road.

By Mr. Jean Baptiste Eric Dorion,--The Petition of the Reverend G.L.E. Duhault and others, of the Township of Wotton and South Ham; the Petition of Antoine Clair and others, of the Township of Durham; and the Petition of Louis Boivin and others, School Commissioners for the Town or Borough of William Henry.

By Mr. Jobin,--The Petition of the Reverend P.N. St. Aubin and others, School Commissioners of the Parish of St. Félix de Valois, County of Joliette.

By Mr. Marchildon,--The Petition of Pierre Jean Mathon, late School Teacher; and the Petition of David Trudel and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain.

By Mr. Foley,--The Petition of the Municipal Council of the County of Waterloo.

By Mr. Cooke,--The Petition of James Young and others, proprietors and possessors of certain lots in the Township of Grenville, County of Argenteuil; the Petition of John Dewar and others; the Petition of the Grand Division of Canada East of the Order of the Sons of Temperance; the Petition of Dominick Docherty and others, Sons of Temperance, and others; and the Petition of John Clauson and others, Sons of Temperance, and others.

By the Honorable John Sandfield Macdonald,--The Petition of Lochiel Division, No. 115, of the Order of the Sons of Temperance; and the Petition of James McIntosh and others, of the Township of Cornwall.

By Mr. James Smith,--The Petition of Donald Cameron, of Thorah.

By Mr. Labelle,--The Petition of the Reverend P.C. Dubé and others, of the Parish of St. Martin, County of Laval.

By Mr. Sanborn,--The Petition of A.W. Kendrick and others, of the Township of Compton; and the Petition of Joshua Foss and others, Trustees of the High School of the Township of Eaton.

By the Honorable Mr. Cameron,--The Petition of the Clergy and Laity of the United Church of England and Ireland, of the Diocese of Toronto, assembled in Synod.

By Mr. Antoine Aimé Dorion,--The Petition of the Reverend F.H. Prévost and others, Commissioners of the Catholic Schools of the City of Montreal.

By Mr. Brown,--The Petition of the Ministers and Elders of the Synod of the Presbyterian Church of Canada.

By Mr. Cook,--The Petition of the Municipality of the Township of Dereham.

By Mr. Frazer,--The Petition of the Municipal Council of the United Counties of Lincoln and Welland.

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By Mr. Freeman,--The Petition of Hamilton Division, No. 25, of the Order of the Sons of Temperance; and the Petition of James Cahill and others, of the City of Hamilton.

By Mr. Darche,--The Petition of Félix Proulx dit Clément and others, of the Parish of St. Raphael, County of Laval.

By Mr. Bell,--The Petition of Edward Chalmers and others, of the Village of Smithville.

By Mr. Bureau,--The Petition of Medard Brisson and others, of the Parish of St. Remy, County of Napierville; and the Petition of Joseph Troie, junior, and others.

By the Honorable Mr. Spence,--The Petition of George S. Wilkes and others; and the Petition of the Town Council of the Town of Dundas.

By Mr. Solicitor General Smith,--The Petition of J.M. Taggart, Reeve, and others, of the Tow[n]ship of Bedford, County of Frontenac.

By Mr. Solicitor General Ross,--The Petition of Mrs. Mary Ann Bankier and other Ladies.

By Mr. Alleyn,--The Petition of T.A. Young, of the City of Quebec, Esquire; and the Petition of the Mayor and Councilors of the City of Quebec.

By Mr. Biggar,--The Petition of the Town Council of the Town of Brantford.

By Mr. Casault,--The Petition of Octave Cyrille Fortier, of the Parish of St. Gervais, Esquire, Physician, Member Representative of the County of Bellechasse in the present Parliament, duly elected and proclaimed as such Representative at the last Election of a member to represent in Parliament the said County of Bellechasse.

Pursuant to the Order of the day, the following Petitions were read:--

Of William F. Coffin, Attorney and Agent on behalf of the Inhabitants of the Counties of Clinton, Essex, and Franklin, in the State of New York; praying that the proposed amalgamation of the Montreal and New York, and Champlain and St. Lawrence Railroads, may not be confirmed or granted--and to be heard by Counsel before the Standing Committee on Railroads, Canals, and Telegraph Lines, and at the Bar of the House, with reference thereto.

Of Stephen Carledge and others, of Wolford; praying that the annual grant for Common Schools may be increased to One hundred and fifty thousand pounds.

Of Walter C. Crofton, of Quebec; praying aid for the publication of a Parliamentary Manual compiled by him.

Of Ann H. Booth and other females of the Village of Fergus; of George Pirie and others, of the Counties of Wellington and Grey; of James Bogg and others, of the Township of Roxborough; of Wellington Square Division, No. 103; of Oakville Division, No. 61; of Acton Division, No. 242; of Troy Division, No. 244; and of Spikes Corners' Division, No. 331, all of the Order of the Sons of Temperance; of Joseph Anderson and others, of the County of Welland; of James Tweddell and others; of Joseph Parkin and others; of J.R. Ardagh and others; of James Hill and others, of the Village of Mitchell, County of Perth; of Peter Sinclair and others, of the Township of Bruce, County of Bruce; of Samuel Whaley and others, of the Township of Mornington and other places, in the County of Perth; of the Municipality of the Township of West Oxford; of Leonard M. Mathews and others, of the Township of Crowland; of Thomas Sowersly and others, of the Village of Port Robinson; of A. Page and others, of the Township of Thorold; of J.W. Berney and others, of the Township of Augusta; of Warren Lyman and others, of the Township of Augusta; of Isaac Foster and others, of the Township of Elizabethtown; and of William Landon and others, of the Township of Elizabethtown; praying for the passing of a Prohibitory Liquor Law.

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Of Simon Bertrand and others, of the County of Rouville; praying for the entire abolition of the Legislative Council,--that the office of Governor may be made Elective, and that the Government of the Province may be assimilated as much as possible to that of the United States.

Of Louis Bélanger and others, of the Parish of St. Martin, County of Laval; and of J.B. Obertin and others, of the Parish of Varennnes, County of Verchères;

praying for the passing of the Bill to repeal the Ordinance 3 & 4 Vic. c. 25, relating to Winter Roads.

Of P. Blanchet and others, of the Parish of St. Mathias; praying for the passing of an Act to authorize farmers to sell their produce at any market in the country, or at private houses, without being obliged to pay for such liberty.

Of P. Blanchet and others, of the Parish of St. Mathias; praying that the funds arising from the Clergy Reserves, the Jesuits' Estates, and the Government Seigniories, may be appropriated to the support of Common Schools in the two sections of the Province.

Of L. Desjardins and others, of the Parishes of St. Jean Port Joli, and St. Roch, County of L'Islet; praying for aid to continue and complete the Elgin Road.

Of the Curé and Churchwardens of the Fabrique of the Parish of the Saint Nom de Marie, of Montreal; praying for certain amendments to the Law regulating the Registration of Baptisms, Marriages, and Burials.

Of S.A. Hurd and others, of the Townships of Eaton, Newport, and Clifton, in the District of St. Francis; praying aid for the opening of a Road through the said Townships.

Of William Smith and others, of the Township of Brompton; praying that the Bill to constitute the Electoral County of Sherbrooke into a separate Municipality, and to establish a Registry Office therein, may not pass into Law.

Of Robert G. Haliburton, Master of Arts, Attorney and Barrister-at-Law of the Supreme Courts of Judicature for the Province of Nova Scotia; praying for the passing of an Act to enable him to practise as an Attorney in the Supreme Courts of Canada West.

Of William A. Johnston, A.B., and Attorney and Barrister-at-Law, of Halifax, Nova Scotia; praying for the passing of an Act to authorize the several Courts of Law and Equity in Upper Canada to admit him to practise therein as an Attorney and Barrister.

Of George Tait and others, of the Townships of Pickering and Scarborough; praying that any application for vesting in private parties certain Road allowances in the said Townships may not be granted.

Of John Cameron, Esquire, and others; praying an Act of Incorporation for the construction of a Railway to connect Port Perry on Lake Seugog with the Ontario, Simcoe, and Huron Union Railway.

Of David Shaw Ramsay, of the Parish of St. Hugues, District of Montreal, Esquire; praying that further proceedings on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, may be stayed, until he is heard at the Bar of the House against such provisions thereof as affect his rights.

Of J.B. Duguay and others, of Ste. Luce and other Parishes, in the County of Rimouski; praying aid for the construction of a Wharf or Pier in the Parish of Ste. Flavie.

Of Michel Massé and others, of St. Athanase, County of Iberville; praying for the passing of an Act to prohibit the establishment of Cemeteries or the burial of the dead in populous places.

Of E. Richard and others; praying that the United Counties of Drummond and

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Arthabaska may be separated, and each entitled to send a Representative to Parliament.

Of F. Pothier and others; praying that the annual grant for Common Schools, may be increased to One hundred and fifty thousand pounds.

Of Etienne Faucher and others; praying that those persons who have settled in the Eastern Townships coming under the name of Squatters, may be protected by Law in the rights they have so acquired.

Of J.P.C. Larose and others; praying for certain amendments to the Municipal Law, and the simplifying of the Road Laws of Lower Canada.

Of E. Brown and others; praying that compensation may be provided for Jurors attending the Courts of Law in Lower Canada.

Pursuant to the Order of the day, the Petition of Télesphore Fournier, of the City of Quebec, Esquire, a Candidate at the last Election of a Member to represent the County of Bellechasse in this present Parliament; complaining of the undue Election and Return of Octave C. Fortier, Esquire, to represent the said County, being also read;

Mr. Casault moved, seconded by Mr. Cauchon, and the Question being proposed, That the said Petition be not received;

On motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Attorney General Macdonald,

Ordered, That the further consideration of the Question be postponed until Wednesday next.

Mr. Loranger, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the United Counties of Lenox and Addington, informed the House, That Robert Bell, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, on Saturday last,

Ordered, That Robert Bell, Esquire, do attend in his place in this House, To-morrow.

Mr. Terrill, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That upon the request in writing of the Petitioner, and by consent of J.C. Chapais, Esquire, the Sitting Member, the Committee had granted delay until Saturday, the eleventh instant, for laying before the Committee Lists of the Voters who may be objected to.

Mr. Fergusson, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the City of Quebec, informed the House, That upon the consent in writing of the parties to the Petition of George Okill Stuart, George Honoré Simard, and Hypolite Duford, Esquires, the Committee had varied the directions made relative to the delivery of Lists of objected Votes thereunder, by extending the time for such delivery until Thursday next, the ninth instant, at six o'clock in the afternoon.

Mr. James Smith, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That the Committee had ordered, with the consent of the parties, that the time for the delivery of Lists of objected Votes by the parties, be extended to the eighteenth day of November instant, on account of the distance between the Seat of Government and the place from which such Lists must be had.

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Ordered, That the Petition of Wellington H. Richmond, of the City of Toronto, be referred to the Joint Committee of both Houses for the regulation and management of the Parliament Library.

Mr. Langton, from the Standing Committee on Standing Orders, presented to

... the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of F.A. Cutter, Esquire, and others, Physicians and Surgeons, of Missisquoi and Shefford, and find that sufficient Notice has been given.

Your Committee have also examined the Petitions of John Young and others, for an Act of Incorporation to construct a Railway from Hamilton to Amherstburg, or some other point on the Detroit River; and of John Bell and others, for an Act of Incorporation to construct a Railway from Amherstburg to St. Thomas, (which Your Committee have been given to understand, is intended as a portion of the same line.) The Notices given upon these Petitions were published only in the Counties of Wentworth, Elgin and Essex; while in the Counties of Haldimand, Norfolk, Middlesex, and Kent, through which the proposed Railway would pass, there appears to have been no Notice published.

Ordered, That Mr. Clarke have leave of absence for a fortnight, from the eighth instant, on urgent private business.

MR. EGAN enquired whether it is the intention of the government to grant, without further delay, the applications of the various banking institutions of this province, for an increase of capital stock of their respective banks, seeing that the present banking capital of the country is quite inadequate to meet its increasing wants, especially whilst the vast amount of capital required for the construction of the various lines of railway now in progress through the province, will involve an outlay of upwards of ten millions of pounds?¹

MR. INSP. GEN. CAYLEY moved that the House proceed to the Orders of the Day, and in doing so took the opportunity of explaining the course that Government intended to take in regard to various matters that had been brought under their consideration.² The Inspector General stated first that the government would not oppose the demand of the banks for an increase of capital; but the government would make this condition that they should invest in the public funds of the province, either the provincial debentures or those of the municipal loan fund, one tenth of their whole capital. He did not entirely agree with those gentlemen who found the most perfect security for the creditors of banks that might be established under the general banking law that was recently passed. Those gentlemen were right up to a certain point, but beyond that they were mistaken. That system would certainly give the most perfect security to the holders of bank bills that might be issued under it. But it would not do to forget that banks established under that law would have something else to do than to issue bills; and for those transactions the law provided no guarantee; on the contrary all the capital of the banks would be merged in case of failure to pay their bills. On the other hand the chartered banks offered the most perfect security, for all the stock holders were held liable to the amount of double their stock. It followed then that the House would not give less security to the public in granting amendments to the chartered banks so as to allow them to increase their capital, than in permitting the establishment of other banks under the general banking law. In the second place to remedy the inconveniences complained of with respect to the deposit of public moneys. The Government proposed to authorise all excise and Custom House officers to secure payment of duties due to the Government in bank certificates of deposit, to be called "Exchequer Bills," bearing interest at three per cent, and payable at 30 days and 60 days after date. This arrangement would give the banks due notice of the demands that would be made upon them, and the Government would receive three per cent on the money paid to them in that manner; thus the floating balances of which so much complaint

had been made would be diminished. In the next place to give effect to a general desire that municipal debentures should be rendered a favorable investment for capital, he proposed to lend the floating balances of the Government to the banks at 3 per cent, on the condition that they would place in the hands of the Government for guarantee, municipal debentures, equal to the amount of the balances which they held. These debentures might be returned on notice given, or the Government might retire its loans. Finally to prevent municipal debentures from being issued in such a way as to cause losses to those who hold them and embarrassment to the municipalities he proposed that the issue should be kept within certain limits, which should not be exceeded except in proportion as the sinking fund accumulates; and to facilitate their general negotiation, he proposed that they should be issued in sterling although payable in Canada. The extent to which these debentures had so far been issued was one million; the limit proposed was two millions or two millions and a half, in the proportion of half for Upper Canada, and half for Lower Canada. This amount would remain for in the proportion that the sinking fund accumulated power would be given to issue other debentures. The province had an agreement with its financial agents in England not to issue any more debentures payable in sterling in England, but there was nothing to prevent the issuing of them so as to make them payable in the Province.³

MR. MERRITT asked if other banks than those now established might be created under the principles that the hon. Inspector General had just enunciated?⁴

MR. INSP. GEN. CAYLEY said that he had only spoken of that which was before the House. If other applications were made the Government would judge them on their merits and according to circumstances.⁵

MR. HOLTON would not at this moment express an opinion on the scheme explained by the Inspector General⁶. [He] was very much gratified at the early announcement of the intentions of the government on this subject; but he was anxious⁷ to know if the measures spoken of by the Inspector General would be carried out before the adjournment which it was said would take place with the consent of Government?⁸ He wished to ask whether it was the intention of the Government to allow those measures for an increase of banking capital to pass through the House before the adjournment, and whether, in the restrictions to be placed on the municipal Loan Fund, Lower Canada would have an amount assigned to it equal to Upper Canada, including the issues already made.⁹ What were the intentions of the Government with respect to the list of orders of the day? Should the Government propose an adjournment without settling these questions he should feel it his duty to protest against it. The tariff above all things ought to be regulated immediately, before merchants sent out their Spring orders.¹⁰ As the representative of an important commercial community he must protest against any adjournment of the House till there had been legislation on the subject of the banks and the tariff.¹¹

MR. INSP. GEN. CAYLEY said the government would be prepared to give facilities for the passage of these measures in question when the other great questions were got through. The amount which the banks might increase their capital would be a question for the House when the measure came before it.¹² In reference to another branch of the hon. member's question, he would say that Lower Canada would be allowed to invest an equal amount with Upper Canada in municipal debentures, under of course the usual restrictions, and with the usual precautions.¹³ The municipal debentures already issued would be included in the proposed division between the two Provinces. As to the tariff he was not prepared at that moment to say anything of it.¹⁴

MR. GALT desired to know if it were the intention to permit the banks to issue notes on the deposit of their notes in public debentures?¹⁵

MR. INSP. GEN. CAYLEY.--Yes.¹⁶

MR. GALT.--Are we to understand that the tariff will be considered before the adjournment?¹⁷

MR. INSP. GEN. CAYLEY.--I have not said a word as to that.¹⁸

MR. J.S. MACDONALD (Glengary) said the explanations given by the hon. Inspector General were very clear, but he much desired that some should be given of the course the Government intended to take with reference to the business of the House. If the rumour out of doors were true, that it was the intention of the Government that there should be an adjournment on an early day, as soon as the Seigniorial, Reserve, and Grand Trunk Bills were passed,--if that were true, it was time that the House and country should know it. Some hon. members were interested in railroad enterprises, some in the amendment of the municipal laws, others in matters that affected the commercial community, especially the revision of the tariff, and on all these matters it was necessary that they should know how far there was a probability of their being able to proceed before an adjournment. In regard to the tariff more particularly, it was necessary for the satisfaction of merchants who would be shortly sending home for Spring importations, that the Government should now say whether it was their intention to come down before the adjournment with a statement of their intentions regarding the tariff.¹⁹

MR. PRES. EX. COUN. MACNAB said he replied to a similar question put to him a few nights ago by the hon. member for Montreal (Mr. Holton) by informing the House that it was the intention of Government to carry the Clergy Reserve Bill and the Seigniorial Bill, and that after those measures were got through, they would consult, so far as they could, the convenience of the House. The hon. member for Glengary said there was a great deal of talk about an adjournment out of doors. However that might be, he believed there was no desire on the part of the Government to adjourn. They intended to do their best to conduct the business of the House to the satisfaction of the people of this country, and if they could not do that they would allow abler men to step over from the other side and take their places.²⁰ For his part after passing the great measures of the session, he was prepared to go on with other subjects as it should please the House.²¹ They heard a great deal about an adjournment out of doors. The Government wanted no adjournment, but desired to go on with the business of the country.²²

MR. YOUNG said commercial men ought absolutely to know what changes were proposed to be made in the tariff. That was a matter of the greatest importance, above all as far related to duties of 12½ per cent.²³

MR. J.S. MACDONALD expressed a hope that the tariff would be altered before any adjournment took place, in order that the commercial community might know how to make their future arrangements.²⁴

MR. MACKENZIE read from a speech of the Postmaster General to his constituents in which he stated that the Government would proceed with all possible despatch to legislate on all public measures. After that declaration, could the Government throw aside those measures and adjourn?²⁵

MR. HINCKS expressed himself as generally favourable to the scheme propounded by the Inspector General.²⁶ [He] quite agreed with the hon. member for Glengary that it was most important that the House should not adjourn till the policy of

the Government should be announced. He thought the exchequer bonds would to a certain extent operate beneficially; but he believed the matter of duties had been much exaggerated. The real pinch which the merchants felt was the paying for the goods in England.²⁷ He was satisfied it was a wise course to limit the amount of the municipal consolidated Loan Fund, and he would be glad if the Government would go a step farther by limiting the municipalities in the employment of it, great evils having in some cases arisen from the unwise course pursued in regard to it.²⁸ [He] would not say much about the principal debentures for Lower Canada because the members from Lower Canada would reproach him for desiring to refuse to their section of the Province that which he had obtained for Upper Canada. But he would advise the members from Lower Canada for their own sakes as well to limit the amount of debentures to be issued as the manner in which they were issued and also the purpose for which they were issued. These restrictions might not be popular; but some municipalities in Upper Canada had desired to issue debentures at any cost, and now begin to repent when it was too late. It is easy to encourage the contracting of debts of this nature, but when you come to pay them it is another thing. It is the custom to say: "Oh! it is only a guarantee, and the municipality will never be called upon to pay;" but later it would be found that that was a mistake. If he (Mr. H.) were interested in Lower Canada, he should particularly deter the municipalities from taking stock in railroads. If they were permitted to assist railways at all, it should only be by means of a guarantee something similar to that now given by the Province to some railways, and for which they should receive the first lien on the road in the same way as the Province; and not make advances to serve as a basis of subsequent operations.²⁹ He observed the hon. member for Haldimand shaking his head, as much as to say that he held him (Mr. Hincks) responsible. He considered, however, that it would be hard to lay upon him all the blame, and, if they had gone wrong, he saw no reason why they should not retrace their steps. He quite concurred in the remarks of the member for Montreal and the member for Glengary as to the inexpediency of the House adjourning without a distinct announcement from the Government of the course they intended to take in regard to the tariff. He understood the Government had no intention at present of pressing an adjournment, and at all events, he did not think they could adjourn without announcing their views on a question of such importance. The public mind should be set at rest on the subject of the proposed revision of duties, and the sooner an announcement was made of the intention of the Government the better.³⁰

MR. GAMBLE said there ought to be no monopoly about banking; but that any other banks might be at liberty to be established on the principles on which the charters of the present banks are to be extended. The loans which municipalities might make ought to be regulated by the extent of the assessments.³¹ He wished the opinions of the late Inspector General had been as strong, when the Act for the Municipal loans was passed through the House.³²

MR. HINCKS.--I had not the same experience then.³³

MR. BROWN congratulated the hon. gentlemen on the Treasury Benches on the continued improvement in their views on different subjects, and particularly that they had adopted so promptly the views expressed on this (his) side of the House in regard to the increase of banking capital, and the mode of depositing customs duties. When the matter was some time ago brought before the House by the hon. member for Montreal (Mr. Holton) the Inspector General (Mr. Cayley) could not make up his mind without a Committee. That Committee was still sitting, it had barely commenced operations--and yet they had now got the decision of the hon. Inspector General, without its aid. (Hear, hear.)³⁴

MR. HINCKS.--We had better discharge the Committee. (Hear, hear and laughter.³⁵)

MR. BROWN.--The House would recollect that they were assured it was absolutely impossible to proceed to the consideration of so grave a question, without the matter being fully investigated by a Committee, (Hear, hear,) but now it appeared that they were to have the whole question settled without any assurance whatever from the Committee. (Hear, hear.) In reference to the answer given by the hon. and gallant knight at the head of the Government to the question put by the hon. member for Glengary, he did not consider that that answer was at all satisfactory. The hon. and gallant knight says that no one had heard of an adjournment, but they all knew very well that there was not a member of this House who had not discussed it over and over again in the last few days, and that there was to be an adjournment about the 20th of this month. (Hear, hear.) They knew that there was every probability of an adjournment before the end of November, as a great many members would be going home at the close of navigation, and it was due to the House and to the country that the Government should state explicitly what they intended to do, whether they were to keep the House together till Christmas, or to adjourn at an earlier period. It was exceedingly inconvenient for members who had charge of private bills to be left in ignorance as to how they were to be proceeded with. The House was willing that all other business should be delayed, to allow the Clergy Reserves and Seigniorial questions to be settled but hon. members had a right to be informed what course would be taken when those measures would be disposed of. If the Government had already made up their minds they should make their intentions known, and arrangements might then be made for postponing many questions till February. He had several matters on the orders of the day himself, which he was quite prepared to postpone when Government declared its intended course. (Hear, hear.)³⁶

MR. INSP. GEN. CAYLEY complained that, notwithstanding all the professions of the hon. member for Lambton, he had never shown any inclination to treat the Government in a liberal spirit. When the question of the payment of custom duties was pressed on their attention in a former occasion he (Mr. Cayley) wanted time to consider the subject.³⁷

MR. BROWN.--You were offered time--Mr. Holton offered to withdraw his motion if you desired delay.³⁸

MR. INSP. GEN. CAYLEY said he had declared then that he was quite aware of the pressure on the commercial community referred to by the member for Montreal, and now when he came forward with a remedy, he was taunted by the hon. member for Lambton with--"Just as we told you: you have adopted our suggestions." And what suggestions were made then, he would like to know. Instead of getting relief and assistance, the Government only got taunts from the Opposition.³⁹

MR. YOUNG said they were just on the eve of a commercial crisis, and, if the Government could alleviate it in any way, it was their duty to do so, by stating immediately their intentions in regard to the tariff.⁴⁰

MR. A. DORION (Montreal) expressed his gratification that the Government had come to the determination to put an issue to the limit of Municipal Debentures. If limited in the way described, he hoped Lower Canada would be put on the same footing as Upper Canada in regard to the issue of Debentures.⁴¹

MR. INSP. GEN. CAYLEY said that the Government would act on the principle of giving equal rights to both sections of the Province.⁴²

MR. MACKENZIE said he was opposed to any adjournment. Eighteen months had elapsed without legislation, and if they were now to adjourn again after passing

only two or three measures, they might as well be without Representative Government at all.⁴³

The subject then dropped.⁴⁴

(281)

The Order of the day being read, for resuming the adjourned Debate upon the Question which was on Friday last proposed, That it be an Instruction to the Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, to amend the Bill, by providing that the basis of the measure shall be the immediate extinction of the Seigniorial Tenure, and the substitution of a Freehold Tenure in lieu thereof, regard being had to the rights of all parties;

And the Question being again proposed:--The House resumed the said adjourned Debate.

MR. A. DORION (Montreal) ... parle en anglais⁴⁵. His mode of valuing Seigniorial rights would be to have three arbitrators appointed for the purpose; one to be named by the government, one by the censitaires and one by the seignior. This plan would avoid the difficulties of the government plan of appointing commissioners which would not give satisfaction to any of these parties.⁴⁶ Instead of 10 or 12 per cent being paid as an indemnity, as according to the Attorney General's scheme, the indemnity would not amount to above from $4\frac{1}{2}$ to 6 per cent⁴⁷ on the value of the land;⁴⁸ full justice would at the same time be done to all parties.⁴⁹ The cens et rentes were not worth the capital they represent at 6 per cent. At least 25 per cent should be taken off. That was one item of saving. The droit de quint, amounting to one-fifth of the purchase money and payable to the Crown on every sale would require to be deducted in valuing the seignior.⁵⁰ And instead of leaving the amount of indemnity unlimited, he proposed to fix that portion of it to be paid by the country at £300,000, or one-fourth of what he estimated would be the whole amount necessary to redeem all the Seigniorial rights in Lower Canada, the remaining three-fourths being divided among the censitaires who were to derive immediate benefit upon the extinction of the feudal tenure.⁵¹

MR. AT. GEN. DRUMMOND said the objection offered was that the bill did not propose to effect the immediate abolition of the seigniorial tenure; but the real objection seemed to be that it did not provide for compulsory commutation.⁵² Il affirme, comme il l'a déjà fait, que la commutation forcée ne convient pas du tout aux censitaires du Bas-Canada; l'injustice en est évidente, vu qu'il y a des personnes qui espèrent ne jamais payer de lods et ventes, qu'on propose de leur faire commuer. Après que le bill aurait réduit les rentes à deux sous par arpent, le censitaire ne payerait qu'une piastre et demie pour quatre-vingt-dix arpents de terre. Pourquoi veut-on lui faire payer quinze ou vingt chelins s'il ne le veut point?⁵³ There were three sorts of seigniorial rights: 1st--rights that had been usurped; 2d--rights which were doubtful, and 3d, rights about which no one who had any pretensions to a knowledge of law had any doubts. The rentes having been fixed at two sous per arpent, the higher rates taken were exactions. The land officers in England had at an early date, declared that the Seigniors could not exceed the accustomed rent; still the courts ratified agreements between the Seignior and the censitaire at higher rates. It was a principle in all countries that there could be no private agreement in defiance of public law; and the censitaires were entitled to be released from the excess over two sous. With regard to the right of banality the best way would be to strike

out all the clauses of the bill that related to it. This would take away the last remnant of feudality. The indemnification of the Seignior, in that case, for the loss of that right would not cost more than if the bill underwent no alteration.⁵⁴ C'est un droit qui ne vaut absolument rien sans les pouvoirs d'eau, et comme le projet de loi ôte ces pouvoirs d'eau au seigneur il lui importe peu qu'on lui laisse la banalité. Le seigneur en doit être indemnisé, il est vrai, mais l'indemnité qui lui sera accordée ne sera pas augmentée de beaucoup par l'addition de la banalité, si toutefois il est décidé qu'il doit être indemnisé du tout.

Quant à cette question il fait remarquer que les opinions en France étaient beaucoup divisées sur le droit à cette espèce de propriété. Quelques jurisconsultes disaient que les eaux appartenaient aux seigneurs, quelques autres qu'elles étaient aux seigneurs en leur qualité de hauts justiciers; et quand la justice remonta à sa source en France, le gouvernement adopta cette opinion, et la propriété des eaux fut reprise par le gouvernement. Toutefois il est vrai que dans le commencement du système féodal la concession des terres comportait aussi la concession des eaux. Ici, pourtant, les décisions des cours a toujours maintenu la prétention des seigneurs d'être les propriétaires des eaux.⁵⁵ The hon. member for Montreal said the bill took from the Seignior a right acknowledged by law--the right to all mines and minerals. The hon. gentleman was mistaken. Such a right once existed in France, but not here. The bill did away with the exclusive right of the Seignior to water power; the right of the Seignior to repurchase the land; with those rights of the Seignior, which were derived from his position, such as a right to the first seat in the church; in fact every remnant of feudality. The rent will be reduced to 7s. 6d. for 90 acres. There was no reason why the censitaire should be compelled to commute; he can do so whenever he likes. If any one wants to purchase his farm, let him agree upon the price and then go to the Receiver General to commute.⁵⁶ Not a trace of feudality would remain, except the rent paid by the Censitaire of two sous an acre.⁵⁷ It was proposed by the gentlemen opposite that the full amount of the rent should be paid out of the consolidated revenue: that the State should pay not only what is doubtful but also the rent which the censitaire is legally and clearly entitled to pay. As well might the farmers of Upper Canada come to the Legislature and ask it to pay off the mortgage on their farms.⁵⁸ Un autre changement qu'il se propose de faire touche au mode de commuer les lods et ventes. Au lieu du plan tel qu'il se trouve dans le bill, il veut régler cette commutation de manière que le seigneur ne reçoive pas d'intérêts sur le capital pendant deux ans, afin que le censitaire soit induit à commuer dans ce délai; mais après cela, les intérêts doivent commencer à courir.⁵⁹ He had been asked by several hon. members to fix the amount of indemnity to be paid to the Seigniors.⁶⁰ He had made calculations, but he could not bring any estimate before the House.⁶¹ He thought it would be dangerous to attempt to do so, or in any way to prejudice rights which would have to be valued by the Courts of Justice.⁶² The doing so would be to prejudice a sacred question of right.⁶³ But at the same time, in justice to the people of Upper Canada, who might wish to know the limit beyond which the amount should not go, he might say that he believed the several special funds mentioned in the bill would be sufficient.⁶⁴ But as Upper Canadians were willing to act as liberally with the Lower Canadians, as the latter were to act liberally (sic) with them⁶⁵, he was disposed, ... to leave a broad margin, and intended to insert in his bill a clause that the amount of indemnity to be paid should not in any case exceed £150,000 over and above those special funds.⁶⁶ He knew that there was a great prejudice against the appointment of commissioners to value the seigniorial rights;⁶⁷ he thought the prejudice against them was

wholly unfounded⁶⁸. Justice could not be done either to seignior or censitaire by establishing any arbitrary rules. In some seigniories the rent was not one third the amount of the lods et ventes; in others there had not been a sale for ten years, and a man would as soon think of selling his wife as his land.⁶⁹ Their [the Commissioners'] duties were such, so far as regarded ascertaining the circumstances of the various Seigniories, as might be performed in a very short space of time.⁷⁰

MR. WILSON said--The question immediately before the House, Mr. Speaker, is the motion of the honorable member for Montreal, "that it be an instruction to the committee on this bill, so to amend it, as to abolish at once the Seigniorial Tenure." The honorable Attorney General has not confined his observations to this question, but has gone over the whole ground covered by the bill; and I am glad he has done so, because I had not the opportunity of hearing what was said on the second reading, nor had I myself an opportunity of expressing any opinion upon it. He has told us that tracts of land, varying in extent from two to six square leagues, and containing from twenty-five thousand to two hundred and fifty thousand acres, were granted by the French king, to seigniors, who had a right to retain as their own domain certain portions of them, but were bound to concede the rest to any person who chose to require it, in parcels of about ninety acres, on condition of residence, (feu and lien), and other conditions incident to the tenure. These conditions and incidents, although varying, were generally payment of certain cens and rentes, rents in money, produce or labor, according to the customs of the seignior,--payment of lods et ventes, one-twelfth of the purchase money to the seignior, in case the tenant sold his lands, giving the right to the seignior to take the bargain out of the purchaser's hands, called the right of retrait, and intended as a protection against fraud in the statement of the price for which the lands were sold. The right under the name of corvees, to call upon the tenant to work a certain number of days in the year for the seignior; the right of banality, which was that the tenant should grind at the seignior's mill. Then, as incident to the tenure, we are told that the seignior assumed the waters of streams, so that no tenant could use on his own land any water power without his lord's assent; and the seignior could even take from his tenant, at a valuation, any mill-site he chose, with land sufficient for the purposes of the mill. That the seignior was entitled to a particular pew in the parish church; and of right entitled first of all the congregation to receive from the officiating Bishop or Priest the sacramental bread. These, and other petty rights not worthy of note, were incident to all this kind of tenure. But we are told that there existed, up to the time of the Conquest, a kind of jurisdiction jointly between the Intendant, Superintendent and the Governor, which on the application of a tenant, could compel the seignior to grant him lands at the accustomed rents and conditions, and we are solemnly assured that these rents at the time in no case exceeded two sous, or one penny an acre. We are further told that jurisdiction ceased to exist under the English rule, and that seigniors, taking advantage of this circumstance, exacted more than the accustomed rent, and introduced other conditions not incident strictly to the tenure; and so, from time to time, these innovations proceeded until in some places it has now reached one shilling and eight pence currency, instead of a penny, and, as a general rule, about four pence in the district of Montreal and two pence in the district of Quebec. The Attorney General has told us that the courts of law, by their decisions, have fostered and maintained this system of encroachment, on the ground, as I understand it, that the rents and reservations in the deeds of concession between them were matters of solemn contract which they felt bound to maintain;⁷¹ yet he [Mr. At. Gen. J.A. Macdonald] proposed

to use them as agents in settling the question.⁷² We are further told that the Legislature omitted to pass any law restoring the jurisdiction, which could have prevented the evil, or declaring that that was not law which the Superior Courts held to be law. From year to year we Upper Canadians were led to suppose that Legislation was sought on this question, that all traces of the feudal system might be abolished; but at last we are told that this never was the case, and the bill before us is not to abolish the tenure, but to define the rights and set aside the encroachments which the sin of commission in the courts, and of omission in the Legislature had suffered to grow up. We are, however, assured and truly so, that most of the seigniories have changed hands; and looking at the rent rolls as they were, they were purchased as investments, and that on no ground of fair and honest legislation can their exactions, now in the shape of legally constituted rights, be abolished without indemnity. I admit the principle to its fullest extent, we have no power to extinguish rights without indemnity. But what says the Bill? It says, in fact, when the clauses are struck out with reference to the banal mills, that all the rights I have enumerated, excepting, virtually, the payment of one penny an acre, are extinguished; that on payment of a commutation based on this penny rent, the tenant shall have his land free. But the bill says more. It says the seignior shall be indemnified from the public funds of this country; it says the public shall at its expense, adjust, settle and pay the claims of the seigniors; and it calls upon the courts of law, the very jurisdictions whose solemn judgments the Attorney General impugns to aid in this adjustment! If it be justice, that the present seigniors be indemnified, because they purchased on the faith of existing rents, and recognized rights, and no one denies this, ought we not with equal justice to apply the same principle to the present tenant, and say to him, at least who is not the original censitaire, "You, sir, have no right to have your rents reduced to one penny at the public expense, or your fines on sale extinguished, because you purchased your land and paid a price having reference to these rents and incidents. You should pay the seignior yourself, for if the Government pays it, it does so by making you exactly that sum richer, which it pays your seignior." But even in the hands of the original tenant, the effect of paying this indemnity is to make his land just so much the more valuable as the indemnity paid. Pray, what reason does the honorable Attorney General give for making this indemnity? He gives none. He has no good reason to give. He says Lower Canada wants it, and that is enough. My Lower Canadian friends know that I have never thwarted or opposed their reasonable demands. I am willing to deal with this measure on legitimate grounds. I am desirous as I have always been, and as I understood until now, Lower Canada was, for the extinction of this tenure. I would vote for such an indemnity as would pay for the contingent and not strictly defined rights which were abolished. I would pay even for the fines payable on alienation, the "lods et ventes," but I should leave the tenant to commute on the basis of the rents he agreed to pay; and if he chose to question the legality of any of his own express stipulations, I should leave him to do it at his own expense, in the ordinary tribunals of the country. I come now to speak of the indemnity proposed by this bill. As I understand constitutional usage, when Government asks for a vote, they are prepared with some estimate upon which to base it; here we have none. If the question had been one arising out of recent circumstances, and admitting of no delay, it might be excusable on these grounds; but this is no new question either with the Government or the country. We are neither told nor has it been suggested even, how much land is held by seigniors, how much by tenants, how much is rated at a penny, how much due it, how much the seigniors claim, or how much will probably pay them. We are left totally in the

dark. But the learned Attorney General ingeniously tells us that having some local means which could go a great way, he thinks, towards paying the indemnity, he will limit the vote to £150,000; and says the whole indemnity will not exceed £500,000, but he cannot well tell. The local means to which he alludes are the public domains, and belong as much to the Province as the Consolidated Revenue Fund, out of which he proposes to pay the balance. Truly, he cannot well tell the amount required, but I have heard it estimated at over a million of pounds, and, indeed, in part of his argument used for another purpose, he told us that when the commutation was proposed to be put at the sum certain, of ten shillings an acre, it was found that in one Seignior alone the recent purchaser at this rate of commutation would have lost £12,000 on the actual cost of his Seignior. If this be any indication of the required indemnity, we know what we have to look for. The learned and hon. member well knows, that when he talks of limiting the indemnity to £150,000 he speaks inadvisedly, for if he extinguishes rights on the principle of indemnity he cannot stop short, when he pays to the extent of his estimate, he must pay the last Seignior as well as the first, and the last shilling of his claim as well as the first.⁷³ If that amount did not pay the claims, what would have to be done with the remainder? Would their claim not be equally good?⁷⁴

MR. AT. GEN. DRUMMOND was certain that the amount would be fully sufficient.⁷⁵

MR. WILSON.--There was no certainty about it. Every possible claim would be raked up; and every one knew that in cases between individuals and the government, the government always came off worst.⁷⁶ On this question of indemnity, I say that he cannot quote an instance of a minister of the crown asking for such an indemnity, or so loose an estimate, on a question upon which information could have been so easily obtained. Hon. gentlemen ought to pause till they are better informed, and the more especially as this measure is one, not of pressing necessity as we were led to suppose, but admitting of great change of opinion, for we fear that all the bills differ which have ever been proposed, and this one peculiarly in this, that last year the rate certain of rent which the tenant was to pay was two pence, this year it is one penny! Why this change? The inhabitants of Lower Canada are the most honest men on earth! Did they ask it? I have never heard it. Then why the change? But I have said I would vote for this instruction to the committee, and I am asked on what grounds I would abolish the tenure and make it compulsory. On the very grounds that you have hitherto put it, that public policy required it, and the country, as against a few, demands it. As far as public policy required it, I would pay the indemnity from the public funds so far as individuals demanded it. I would let them pay and make them pay their own stipulated claim. And in abolishing the tenure I should make his claim adjusted on the basis I have mentioned, a first mortgage payable in a given number of years, for after all, at the worst, the sum payable as rent and to be commuted scarcely exceeds that which is yearly opposed voluntarily, in every municipality in Upper Canada.⁷⁷

MR. LEMIEUX s'oppose à ce que les seigneurs reçoivent une indemnité pour le droit de banalité, qu'il croit être un trouble plutôt qu'un profit pour les seigneurs. Il ne veut pas non plus que les commissaires nient le pouvoir de décider sur la foule de droits absurdes que les seigneurs se sont arrogés. Quant aux décisions des juges, il ne pense pas que les juges n'ont pas eu le pouvoir de rendre justice aux censitaires par les seigneurs; mais ce qui est vrai c'est que le banc s'est toujours composé de messieurs qui ont été intéressés dans la propriété seigneuriale. Il ne prétend pas que les juges ont été mus par la malice, mais quand une personne est intéressée elle est aveugle. Il ne croit pas non

plus que les pouvoirs d'eau appartiennent aux seigneurs, hors l'intérêt que ces messieurs peuvent avoir dans la banalité. Le retrait conventionnel ne doit pas être un sujet d'indemnité.⁷⁸ He would move some amendments.⁷⁹

MR. BROWN said that, notwithstanding various concessions made by the hon. Attorney General, it would be observed that he still adhered firmly to that principle of his bill which was opposed to the principle of the amendment of the hon. member for Montreal, and declared himself strongly against any compulsory commutation. That was the great issue on which the vote now to be given was to turn. The Attorney General asked whether, when the Censitaire had only two sous to pay per arpent, it would be any advantage to him to commute the balance--But the question was not, what the Seignior wanted, or what the Censitaire wanted, but what was for the interest of the public. The honorable Attorney General forgot that there were two parties to the bargain, and that this house had not only to do justice to the Censitaire but to satisfy the public who were to pay a large sum for the settlement of the question. The matters to be settled between the Seigniors and the Censitaires were one thing, and the interests of the public another; and he maintained that they had no right to impose a burden on the public unless they extinguished the feudal tenure altogether, and converted it into one of free and common soccage. It was only in that way that the country could be really benefitted, and it was only on such a final and immediate abolition of the tenure that any claim on the public to bear part of the cost of the indemnity could be founded.--There were many other objections to the bill of the hon. Attorney General. The advantage of the water powers in any Seigniorship was to be given not to all the Censitaires, but only to those who had their property alongside of the river.--He considered this unfair, because it was clear that, whatever might have been the views of parties on other points when they originally received those concessions, they never expected to enjoy the water powers, and that one Censitaire on a Seigniorship had as much right to them as another. They should either revert to the Crown, or belong to the whole Seigniorship.⁸⁰ Quand (sic) à l'indemnité, il croit que le membre pour London a raison.⁸¹ The hon. Attorney General said his bill was to correct abuses which had grown up from decisions of the Courts of Justice, and yet he asked in his bill that the whole matters in dispute should be referred to those very Courts. (Hear, hear.) The hon. gentleman now said that he would fix the limit of the sum to come out of the public chest at £150,000, in addition to the special funds formerly mentioned. Those special funds would represent a capital of upwards of £300,000, so that the hon. gentleman now asked them to vote £450,000 to £500,000 out of the public chest for the settlement of this matter.--He said that would be the maximum, but how could he fix any maximum when he left it to the law courts to determine the value of those rights which were to be indemnified? He asked the hon. gentlemen from Upper Canada to say whether they could with justice to the country, to their constituents, and to what was right, vote £450,000 and perhaps vastly more, and that merely for the removal of certain evils of the tenure, not for the total abolition. (Hear, hear.) Before sitting down he would say that in this division he thought the hon. member for Montreal should receive very strong support from the other side of the house, his motion having been copied exactly from the journals of the house for last year, and having then received the support of the hon. members for Simcoe, Brockville, Peterboro, and York, aye, and the hon. and gallant knight at the head of the government, himself. (Hear, hear, and laughter.)⁸²

MR. STEVENSON supported the bill in its present shape.⁸³

MR. GAMBLE desired immediate forced commutation before paying public money.⁸⁴

[MR. LARWILL].--Mr. Speaker, I wish to oppose the bill. It does not go far enough to please me, but even if it did I could not support it in its present form. There is too much machinery in its constitution, too much law in its working. It was easy (sic) seen that profession had its full share of Representatives in that House. The bill gave too much patronage to the Crown. 'Twas a very bad bill and would not pass current in Upper Canada, nor did he think it would in that House. It had been said ... should endeavor to assimilate (sic) the institutions of the province be agreed in that opinion, and the best way to do that was to introduce the Upper Canada Municipal bill into Lower Canada; do that, and a plan for the abolition of the Seignoral Tenure would soon be introduced founded upon the laws of equity and justice. This was a Lower Canada matter and it was not right to tax Upper Canada, a half a million ... more without her consent. He agreed with other honorable gentlemen, the cost ought to be known. Why did not the Government come down with something like data upon which that honorable House might fix the amount? All was mystery and uncertainty. He felt the evil should be removed, and he believed that Upper Canada would if asked, contribute liberally towards it, but not as of right, but upon other grounds and from other motives. She was ... of imitating her mother. Sir, not many years ... Britannia pointed to her flag. Her children looked and saw a foul blot upon it; it had been there many years, they determined to remove it. Her flag would be unsullied. To work they went and with ... arms they drew forth from wines and manufactures one hundred million of dollars. The spot was obliterated and that was the last. I need not tell you ... spot was slavery. Well sir, what is the difference between a Southern slave and a Northern serf (sic). I would like to know the distinguishing difference. Would it not be well before we point to the beam in Brother Jonathan's eye to take the mote out of ... own. Was it not a stigma, a disgrace, that in the 19th century (sic) in a British province the Feudal Tenure should exist. It was a blot upon our ... and as such he had no doubt but Upper Canada would sacrifice much to remove it. But they ... be consulted first. He had not been sent there to ... away the funds of the Country for such a purpose ... would object to any class of men dipping their hands into the coppers of the Country and drawing an unlimited sum for such a purpose? What would his constituents say to him upon his return to them if he.... Much might be said upon this subject but he would not detain the House longer, these were the facts (go on, go on, from all parts of the House). He was pleased to hear that cry. And he would ask the honorable House if the institution was not a blight on the land. The hon. gentlemen had that day expressed warm sympathies for the physical suffering of their countryman occasioned by the present ... but what were they in comparison to the ... and spiritual sufferings of this country. He ... not speak of the latter. But every one must ... the mind was enchained, the energies cramped, ... first and best impulses of our natures stultified. Our streams locked up, our cornplies (sic) limited. Was this a desirable state of things? he thought not, it was his opinion that instead of forming and ... institutions for the abolition of evils in a foreign country we had much better employ our time ... means in removing domestic ones. He would ... the subject to the especial patronage of the ladies of England. He also thought the Press of Upper Canada would be much better employed in developing the tie connected with Lower Canadian (sic) serfdom than scribbling defamatory and poisonous matter against a peculiar institution in a neighboring country. We had a peculiar institution, and as we loved our country and its character, we should use our best efforts to abolish it. It was alike, a curse and disgrace.⁸⁵

MR. MACKENZIE would not vote money under this bill. He read the resolutions moved by Mr. J.A. Macdonald last Session, and said he (Mr. M.) was now in favor

of the views contained in them. They were to the effect, that it was a public injustice to vote money for the purposes of this bill.⁸⁶

(281)

And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Cooke, Daly, Charles Daoust, Darche, Dewitt, Jean B.E. Dorion, Antoine A. Dorion, Ferguson, Flint, Foley, Frazer, Freeman, Galt, Gambie, Hartman, Holton, John, Laberge, Larwill, Lamaden, John S. Macdonald, Roderick McDonald, McFarlie, Mattie, Merritt, Munro, Munney, Papin, Prévost, Sanborn, Scatcherd, Wilson, Wright, and Young.--(38.)

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NAYS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Burton, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Jean E. Dugas, DeLong, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Felton, Thomas Fortier, Octave C. Fortier, Gill, Gould, Guévrement, Hinks, Huot, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Marchildon, Masson, Mongenais, Morin, Joseph C. Morrison, Niles, O'Farrell, Poulin, Pouliot, Powell, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, and Thibaudeau.--(71.)

So it passed in the Negative.

(282)

The House, according to Order, resolved itself into a Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had made some progress, and directed him to move for leave to sit again.⁸⁷

Ordered, That the Committee have leave to sit again, To-morrow.

MR. HOLTON wanted to have the Bank Charter amendment Bills read a 2nd time pro forma in order that the consideration of the amendments proposed by the Government should take place in Committee⁸⁸.

MR. MACKENZIE protested very strongly against the proposed procedure.⁸⁹

MR. SICOTTE the SPEAKER read the rule that measures must be taken in their order,⁹⁰ and gave his decision that the orders could be skipped if the House consented.⁹¹

MR. MACKENZIE appealed⁹².

The House sustained their president⁹³.

The motion was made to read the bill a second time forthwith⁹⁴.

MR. MACKENZIE protested with great vehemence against the proposal, and succeeded in deferring the question.⁹⁵

(282)

Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Attorney General Macdonald,
The House adjourned.

[DISCUSSION RE: PATRIOTIC FUND FOR WAR WIDOWS AND ORPHANS.]

MR. HINCKS ... said:--Mr. Speaker, I feel assured that the subject which I am about to bring under the consideration of this House will be deemed of considerable importance to plead excuse for my taking this unusual course of bringing forward my motion without having given notice in advance. But there are precedents in England to support the course that I have taken. I need not remind the House that the two great nations from whom the people of this country are descended, are engaged at this time in a conflict of a most extraordinary character. I have as great a horror of war as possibly any member of this House has, but I feel strongly that in this war, in which two nations so great are at this moment engaged for the purpose of defending an ally whose territories were invaded by a power which has certainly evinced during a course of many years a lust for the acquisition of additional territory, and has succeeded in possessing itself of territory after territory, until it has added to its already enormous dominions very considerably. The war now raging is one of civilization against barbarism, and there can be no doubt that if in this contest Russia had been successful she would have gone on extending her dominions throughout Europe, until its liberties would be invaded and destroyed. Therefore every lover of the human race had been watching that contest with great interest, and much more so should the people of this country, sprung from these great nations which have shewn such generous feelings in defending their ally, have an interest in the war. In carrying it on, the people of England and France have had to undertake burthens of very great magnitude, which have been cheerfully assumed by the people at large, and there has been a disposition in and out of parliament to support the government most cordially in the efforts which they have made to carry on this contest, and we must have witnessed the enthusiastic bravery with delight which has characterized the armies and navies of England and France. The important feats of either of the armies or navies it would be difficult to distinguish individually, and it would not be possible to attribute any marked bravery in the collisions which had taken place with the enemy, to the officers of the allied fleets and armies any more than the privates, for they all behaved with an equal amount of unparalleled bravery. We have received the accounts of the taking of the heights of Alma, from which we could gather the fact that not only was there a generous rivalry shewn between the two nations, but examples of the greatest courage. I have said that public opinion in England and France had sustained the governments in meeting these extraordinary burthens, not only by means of increased taxation, but they have gone beyond that and have contributed a very large amount of funds for the support of the widows and orphans of those who have fallen in the defence of their country, (hear, hear.) And so far had public opinion been expressed that by the last public advices we find that Her Majesty has appointed her royal commission to secure a proper organization for collecting subscriptions, and according to public desire, to call them in and see to their just administration, and that commission embraces the names of the most distinguished persons in the realm, the Prince consort being at the head of it.⁹⁶ [La] commission ... se compose des personnes les plus haut placées en Angleterre et on vient d'en recevoir la liste.⁹⁷ Now I believe that there is a strong public sympathy felt throughout Canada in the progressive results of this war, and that a desire exists among the people here to do their utmost to express that sympathy as unmistakeably as they can, especially as they are not called upon to meet these heavy burthens which their countrymen are in England and France,

and I think that upon this occasion the ministry should lead, rather than follow the people in manifesting a proper spirit of sympathy in the war, and that it will be heartily shared in by every member in this House. The honorable and gallant knight (Sir A. McNab) had been in the service and must feel strongly the sentiments that I have just expressed. I have felt it to be my duty as an independent member of the house, to give expression to these views, but I would not dictate to the ministry, what course they should take in the matter, or what amount they should propose to vote, but I think that they should make a vote in favor of the patriotic fund for the relief of the widows and orphans of the unfortunate men, killed in the present war, and in the sympathy that I feel with the cause be shared in by this house, no doubt it will be evinced in the most liberal and handsome manner, and with these remarks I shall conclude, trusting, that there will be a proper expression of sentiment upon the part of independent members of this house. Anything that may be appropriated, will be devoted in aid of the widows and orphans of the killed belonging to the allied armies of England and France. (hear, hear.)⁹⁸

MR. GALT fully concurred with the honorable member for Renfrew. When the people of this country regarded the very admirable position in which the country stands; everything flourishing around us, and the people protected from injury abroad by the armies of great Britain; being not exposed to sacrifices which effect (sic) their property and every thing dear to them, he thought that they could do no less than express their sympathy for those who were contending for the rights of the world (hear, hear.) He was most happy to support the suggestions of the honorable member for Renfrew, and he trusted that the government would give them that consideration due to the subject, and that this country would exhibit a sympathy with those, now struggling for the rights of man, and it would be found that the widows and orphans of those who have fallen in the cause of liberty will remember with lasting feelings of gratitude to this country the sympathy which it expressed in coming forward to relieve their necessities. He hoped that no distinction would be drawn between those who have fallen for liberty's cause, which ever of the two nations they belonged to, (hear, hear.) but that any funds which might be appropriated, should go to the Patriotic fund open in England and France for the support of the distressed widows and orphans of the killed. He trusted that when the question of the vote was brought before the House, that an unan[i]mous declaration of sympathy would cause the amount voted to meet with the approbation of the House, and a motion having such a benevolent object in view should meet with general support.⁹⁹

MR. ROBINSON trusted that no party consideration would be brought to bear upon the subject under discussion. He felt a strong sympathy in the war, and could assure the gentlemen at the head of the Government, that any reasonable sum that they might propose to vote, would cordially meet with his approbation.¹⁰⁰

MR. YOUNG concurred with what had fallen from honorable members, but he could not help thinking, that a parliamentary vote would be preferable to a public subscription, for under the former it would be found that every man, woman and child contributed. He thought that any aid which might be sent from Canada for this cause, would tend to inspire those who are fighting "the battles of liberty" with renewed courage.¹⁰¹

MR. GAMBLE was assured, that the country must feel very much indebted to the honorable member for bringing this matter before the House, and he (Mr. G.) only spoke the sentiments of his constituents, when he declared, that they deeply sympathised with the present struggle, and he was satisfied that he would be

following out their wishes in supporting any reasonable vote that the Government might make to alleviate the sufferings of those who had been deprived of husbands, fathers, and brothers in the present struggle. He thought that the time had come when honorable gentlemen should speak out from all sides of the House, and declare that they heartily sympathised with the efforts which are being made by the countries from which the people of this [country] are descended, to establish the freedom of Turkey. With England and France the people of this country should ever feel a deep interest.¹⁰²

MR. A. DORION (Montreal) spoke (in French).¹⁰³ [Il] regrette qu'un membre plus capable que lui ne se soit pas levé pour rendre témoignage des sympathies qui existent généralement pour les braves soldats des deux nations qui combattent et meurent pour la liberté¹⁰⁴. [Il] ressent une vive sympathie pour les malheureux dont le membre pour Renfrew vient de parler et qui se sont constitué les défenseurs de la civilisation et de la liberté en lutte avec le despotisme,-- le despotisme Russe qui cherche à envahir la Turquie, et le despotisme Turc, qui dégrade ses propres sujets. Néanmoins il croit du devoir du ministère de veiller aux intérêts de la province, et de déterminer la somme qu'on peut prendre à même le trésor public sans trop d'inconvénients.¹⁰⁵ Il serait heureux de voter une somme d'argent pour le soulagement des blessés, des veuves et des orphelins des victimes.¹⁰⁶

MR. CAUCHON [spoke] in French¹⁰⁷. [Lui] aussi parle en faveur de la proposition de M. Hincks.¹⁰⁸

MR. FERRIE, concurred in supporting the proposition. He did so the more readily, as the Allies previously to their commencing warlike operations did everything in their power to avert the war taking place.¹⁰⁹

MR. LORANGER said in French, that he was sorry to oppose the proposition made by the honorable member for Renfrew. He lacked no sympathy with the distress occasioned by the present war, that had befallen (*sic*) the widows and children of brave men. He was as much alive to sympathy as any man could be, but he thought that as the war was in the hands of these two great nations, they were quite capable of carrying it on without the assistance of Canadians. This House had before it the Seigniorial Tenure Bill, and other important measures, calling for assistance from the public purse. However, he was quite ready to contribute his mite to any subscription to be raised for the purpose stated by the honorable member for Renfrew.¹¹⁰

MR. LARWILL said he was opposed to the Legislature exercising any sympathy in respect to this war, because in so doing the government would be placing themselves in an awkward position for the future, when any other war should occur in which France & England might be interested.¹¹¹ As to those nations, fighting for the liberties of mankind it was ridiculous.¹¹² (hear! hear!)¹¹³ France was a despotism, and Napoleon the greatest despot on earth.¹¹⁴ Dans le cas de la Hongrie que faisaient la France et la Russie? que firent la France et l'Angleterre pour la Pologne?¹¹⁵ Where were the arms of those countries when Poland, Hungary and Italy strove for freedom. It was French Bayonets that even at this moment crushed the rising aspirations of the Italian Princes.¹¹⁶

MR. PAPIN [spoke] (in French)¹¹⁷. [Il] ne veut pas que l'on prenne son silence pour une approbation de la proposition, et il ne veut rien dire pour le moment, se réservant de dire sa pensée plus tard.¹¹⁸

MR. BELLINGHAM.--Entirely concurred with the honorable member for Renfrew, and was sorry to find that there was not an unanimous expression of feeling in

the House. The Lower Canadians should remember with gratitude the liberal manner in which England acted, on the occasion of the fires which took place in Montreal and Quebec. Subscriptions on a large scale were got up and this great assistance proved very acceptable to Canadians at that time. Let the people of this country then with one voice respond, and feel, that there is not a gun fired at Sebastopol, or a conflict that takes place within the limits of the Crimea, that will not tend to the advancement of the cause of liberty (hear! hear!) The present achievements of the allies were harbingers of the future peace of the world. He therefore trusted, that the House would give a liberal vote to be applied in aid of the widows and orphans of the two nations.¹¹⁹

MR. CAUCHON alluded to the large amount of subscriptions raised in England for the relief of those who suffered by the fires at Quebec and Montreal, in eulogistic terms¹²⁰. Le Parlement Impérial donna-t-il £20,000 sans aucune objection. Le peuple du Canada en était très content, et il doit se montrer reconnaissant.¹²¹

MR. J. DORION (Drummond) est de l'opinion du membre pour Laprairie.¹²²

DR. MASSON [parle contre la proposition].¹²³

MR. MARCHILDON ... spoke in French in favor of the proposition.¹²⁴

MR. POWELL had up to this moment foreborne (sic) to give any expression of his opinion upon this subject, because he had trusted, that the suggestions of the honorable member for Renfrew, which did as much credit to the head that conceived them as the heart that felt them, would have met with the universal approbation of the House. But when he heard honorable members allude to the Seigniorial Tenure Bill and other matters, it then behoved every man to express his opinion, and, he only expressed the views of his constituents when he joined with other honorable gentlemen in expressing sympathy for those who had fallen at the battle of Alma and with their widows and orphans. (Hear! hear!) The people of this country had originated from the two great nations in question, who were now fighting for the cause of liberty, shoulder to shoulder, and hand in hand, and when we had the means of displaying a generous sympathy as colonists, we should do so.¹²⁵ He was surprised that the hon. members for Glengary, Lambton, and Haldimand, who were usually so forward to address the House on every subject, should so long remain silent on a question like this.¹²⁶

MR. DUFRESNE ne pense pas qu'il s'agisse de [se] prononcer sur la justice ou l'injustice de la guerre. Tout ce qu'il y voit, c'est qu'il y a des malheureux et il croit qu'il y va de son devoir de leur venir en aide.¹²⁷

MR. MERRITT had no doubt that the House would generously vote any sum which the ministry might propose. It was very easy for them to take out of the public purse the money and pay it, and to get up and announce their patriotism, and the effect which the liberality would have in England, but he would not express his opinion in favor of a thing in which his heart did not concur. He begged to state, that he had no sympathy in the war between the Turk and the Russian; they were and had been from time immemorial tyrannical nations. He could never see from the beginning of this war that any beneficial result would arise to England. The honorable member for Renfrew had stated, that England and France were now fighting for the rights and liberties of the world. That was not correct.¹²⁸ When he should see England and France unite to restore Kossuth to Hungary, Mazzini to Italy, and nationality to Poland,¹²⁹ he would agree with the honorable member for Renfrew, but he could not otherwise. Not being of opinion that this war would be of any benefit to mankind, he would not support the

proposition of the member for Renfrew. I[f] people wanted to shew their patriotism let them get up a subscription as they had done in England.¹³⁰

MR. BOWES said when an expression of sympathy was made by this House, on the announcement of a great victory, he thought it came from the heart. He had taken occasion to ask the hon. knight at the head of the government, whether it was intended to get up any subscription, and he replied that it was not. The people of this country felt the strongest sympathy with the brave people of England engaged in the Russian war; he was glad that this proposal had been brought forward, and hoped the government would be prepared to propose a grant for the benevolent object in question.¹³¹

MR. POULIOT supported ... the proposition of the member for Renfrew.¹³²

MR. PRES. EX. COUN. MACNAB would like honorable members all to have a chance of expressing their opinions upon the question¹³³. [He] wished to hear the opinion of the leaders of the opposition the hon. members for Lambton and Glengary, before expressing his opinions on the subject.¹³⁴

MR. BROWN said that after the appeal just made by the hon. and gallant Knight, he felt that he could not with propriety continue silent. In regard to the war itself, he thought there could be but one opinion that England and France had won for themselves undying honour by the manner in which they had come forward to preserve the liberties of the world. (Hear, hear.) A more righteous or a more disinterested war the world had never seen. (Hear, hear.) It might be alleged that England and France had a view to their own interests in resisting the occupation of Stamboul by Russia.--but however this might be averted in regard (sic) to the Statesmen of these countries, it certainly could not apply to the masses of the people who were now so readily and so nobly pouring forth their blood and their treasure in defending a weak and oppressed nation against the rapacity of a remorseless tyrant. When, in the history of the world until now, have we seen great nations going to war, without one thought of conquest or self-aggrandizement, but simply to maintain justice? And if there have been times and events in the past, and these not long gone by, when we may have deplored that a blow was not struck in defence of the down-trodden Europe--is that a reason why we should withhold our sympathy now? The widows and orphans of the men who have fallen in such a cause were entitled to the warm sympathies of the freemen of the world, and were an appeal made to the people of Canada for individual contributions, he (Mr. Brown) was persuaded it would be most generously responded to.¹³⁵ As far as his means were concerned he trusted that what according to his small means, he could give, would be equal to that of others.¹³⁶ As regarded a vote by Parliament towards the fund, he thought it would be a most becoming act on the part of Canada, at such a moment, and he would cordially sustain it. (Hear, hear.) The reason why he did not rise at an earlier moment, to state his opinion, arose from the manner in which the proposition had been brought forward. No notice, no hint had been given that the subject would be mooted.¹³⁷ The matter had been brought before the House, without communication having previously been laid by the honorable member for Renfrew with honorable members on his (Mr. Brown's) side.¹³⁸ A vote like this should be acceded to unanimously and he was quite sure a little previous consultation would have secured unanimity. (Hear, hear.) Suddenly thrust on the house, as it was, he had thought it expedient not to encourage debate until hon. gentlemen who might now have doubts had time for reflection. (Hear, hear.)¹³⁹

MR. HINCKS said he had communicated with certain members of the opposition, and had expected that the hon. member for Lambton would have learned his intentions

through them. He regretted, however, that he had not communicated with that hon. member personally.¹⁴⁰ He did not think that had anything to do with the suffering widows and orphans of those who fell.¹⁴¹ But this was a matter, in which previous notice was scarcely necessary, having originated with the public themselves, and being one on which the feeling out of doors had already been strongly expressed.¹⁴²

MR. J.S. MACDONALD (Glengary) said that, so far from having been informed that the subject was to be brought forward, he was at a loss to know what the subject was until after the hon. member had gone on for some time with his remarks. He hoped, however, it would not be supposed, because he had not expressed his opinion at an early stage of the conversation, that he was opposed to this movement. He would be the very last to oppose a movement for a public vote towards so charitable and humane an object, and with the exception of one or two members who had expressed themselves unfavourably, he believed the whole House would support a liberal grant. But he concurred in the remarks of his hon. friend on his left (Mr. Brown), that this was not a matter in which the House should have been taken by surprise, instead of allowing members time to consider the matter, before being called upon to speak upon it.¹⁴³

MR. PRES. EX. COUN. MACNAB said he had had no communication till a very late period of the intention of the hon. member for Renfrew to bring the matter up, but he could say for himself, and he thought he could speak also for his colleagues, that they most fully entered into the feelings which had been so well expressed by honourable members of this House. He thought it well that his hon. friend from Glengary had had an opportunity of expressing his views. Representing as he did more than 2000 McDonalds, and looking at the recent exploits of the gallant Highlanders commanded by Sir Colin Campbell, it would be strange indeed if he did not give his cordial support to the proposition now before the House. The Government would be ready at the earliest possible moment to bring down such a measure as they hoped would be received with satisfaction by the House, so that although they could not lend their brethren of France and England a hand in the struggle in which they were now engaged they might at least by contributing their mite for the relief of the sufferers, shew their cordial feelings of sympathy with them.¹⁴⁴

DR. CHURCH spoke in favor of the vote.¹⁴⁵

FOOTNOTES: 6 NOVEMBER 1854.

1. MORNING CHRONICLE, 10 November 1854. GLOBE, 14 November 1854, and TORONTO DAILY LEADER, 14 November 1854, omit Mr. Egan's question and begin the debate with Mr. Insp. Gen. Cayley's announcement.
2. GLOBE, 14 November 1854.
3. MORNING CHRONICLE, 10 November 1854.
4. IBID.
5. IBID.
6. GLOBE, 14 November 1854.
7. TORONTO DAILY LEADER, 14 November 1854.
8. MORNING CHRONICLE, 10 November 1854.
9. GLOBE, 14 November 1854.
10. MORNING CHRONICLE, 10 November 1854.
11. TORONTO DAILY LEADER, 14 November 1854.
12. IBID.
13. GLOBE, 14 November 1854.
14. MORNING CHRONICLE, 10 November 1854.
15. IBID.
16. IBID.
17. GLOBE, 14 November 1854.
18. IBID.
19. IBID.
20. IBID.
21. MORNING CHRONICLE, 10 November 1854.
22. TORONTO DAILY LEADER, 14 November 1854.
23. MORNING CHRONICLE, 10 November 1854.
24. TORONTO DAILY LEADER, 14 November 1854.
25. MORNING CHRONICLE, 10 November 1854.
26. GLOBE, 14 November 1854.
27. TORONTO DAILY LEADER, 14 November 1854.
28. GLOBE, 14 November 1854.
29. MORNING CHRONICLE, 10 November 1854.
30. GLOBE, 14 November 1854.
31. TORONTO DAILY LEADER, 14 November 1854.
32. GLOBE, 14 November 1854.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. TORONTO DAILY LEADER, 14 November 1854.
45. LE PAYS, 14 November 1854. MORNING CHRONICLE, 10 November 1854, notes that Mr. A. Dorion "supported his amendment at some length".
46. TORONTO DAILY LEADER, 14 November 1854.
47. GLOBE, 14 November 1854.
48. TORONTO DAILY LEADER, 14 November 1854.

49. GLOBE, 14 November 1854.
50. TORONTO DAILY LEADER, 14 November 1854.
51. GLOBE, 14 November 1854.
52. TORONTO DAILY LEADER, 14 November 1854.
53. LE PAYS, 14 November 1854.
54. TORONTO DAILY LEADER, 14 November 1854.
55. LE PAYS, 14 November 1854.
56. TORONTO DAILY LEADER, 14 November 1854.
57. GLOBE, 14 November 1854.
58. TORONTO DAILY LEADER, 14 November 1854. GLOBE, 14 November 1854, phrases this passage: "it had been said that, according to his bill, the State was asked to pay the doubtful debts of the Censitaire, as well as indemnity to the Seigneur. He denied that this was the case, or that the State would have to pay one sou that properly belonged to the Censitaire."
59. LE PAYS, 14 November 1854.
60. GLOBE, 14 November 1854.
61. TORONTO DAILY LEADER, 14 November 1854.
62. GLOBE, 14 November 1854.
63. TORONTO DAILY LEADER, 14 November 1854.
64. GLOBE, 14 November 1854.
65. TORONTO DAILY LEADER, 14 November 1854.
66. GLOBE, 14 November 1854.
67. TORONTO DAILY LEADER, 14 November 1854.
68. GLOBE, 14 November 1854.
69. TORONTO DAILY LEADER, 14 November 1854.
70. GLOBE, 14 November 1854.
71. IBID.
72. TORONTO DAILY LEADER, 14 November 1854.
73. GLOBE, 14 November 1854.
74. TORONTO DAILY LEADER, 14 November 1854.
75. IBID.
76. IBID.
77. GLOBE, 14 November 1854.
78. LE PAYS, 14 November 1854.
79. MORNING CHRONICLE, 10 November 1854.
80. GLOBE, 14 November 1854.
81. LE PAYS, 14 November 1854.
82. GLOBE, 14 November 1854.
83. MORNING CHRONICLE, 10 November 1854.
84. IBID.
85. WESTERN PLANET, 22 November 1854. The ellipses represent illegible words.
86. MORNING CHRONICLE, 10 November 1854.
87. MACKENZIE'S WEEKLY MESSAGE, 17 November 1854, notes: "the Assembly at Quebec were constantly employed till past midnight on the Lower Canada tenures question."
88. Telegraph, (GLOBE, 9 November 1854). PILOT, 10 November 1854, states that this motion was made at "nearly half-past twelve". TORONTO DAILY LEADER, 13 November 1854, indicates: "Two-thirds, if not three-fourths of the members had gone home." MACKENZIE'S WEEKLY MESSAGE puts the number absent at eighty out of 130 members.
89. TORONTO DAILY LEADER, 13 November 1854.
90. MACKENZIE'S WEEKLY MESSAGE, 17 November 1854.
91. TORONTO DAILY LEADER, 13 November 1854.

92. MACKENZIE'S WEEKLY MESSAGE, 17 November 1854.
93. IBID.
94. IBID.
95. PILOT, 10 November 1854. MACKENZIE'S WEEKLY MESSAGE, 17 November 1854, states: "Mr. Mackenzie debated the principle, viz.: whether the Montreal Bank, having \$2,000,000 capital, shall have other \$2,000,000 for its directors and managers to clear \$500,000 out of the sale of, while other institutions are refused the like favor, and other banks compelled to give security for their bank notes. The one o'clock legislators gave way at two--and the bill was not read".
96. MORNING CHRONICLE, 10 November 1854, which notes that this occurred at "an early period of the evening".
97. LE PAYS, 14 November 1854.
98. MORNING CHRONICLE, 10 November 1854.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. LA MINERVE, 11 November 1854.
105. LE PAYS, 14 November 1854.
106. LA MINERVE, 11 November 1854.
107. MORNING CHRONICLE, 10 November 1854.
108. LE PAYS, 14 November 1854.
109. Unidentified newspaper in Scrapbook Hansard. MORNING CHRONICLE, 10 November 1854, identifies the speaker as Mr. Ferres.
110. MORNING CHRONICLE, 10 November 1854.
111. IBID.
112. WESTERN PLANET, 22 November 1854.
113. MORNING CHRONICLE, 10 November 1854.
114. WESTERN PLANET, 22 November 1854.
115. LE PAYS, 14 November 1854.
116. WESTERN PLANET, 22 November 1854.
117. MORNING CHRONICLE, 10 November 1854.
118. LA MINERVE, 11 November 1854.
119. MORNING CHRONICLE, 10 November 1854.
120. IBID.
121. LE PAYS, 14 November 1854.
122. LE PAYS, 14 November 1854. MORNING CHRONICLE, 10 November 1854, claims: "Messrs. Marchildon, Dorion, and Masson spoke in French in favor of the proposition." LE PAYS, 9 November 1854, indicates that Mr. J. Dorion and Dr. Masson spoke against the proposition, but does not note Mr. Marchildon's opinion.
123. LE PAYS, 9 November 1854. Vide footnote 122. GLOBE, 14 November 1854, also notes that Dr. Masson spoke against the proposition.
124. MORNING CHRONICLE, 10 November 1854. Vide footnote 122.
125. MORNING CHRONICLE, 10 November 1854.
126. NIAGARA MAIL, 15 November 1854.
127. LE PAYS, 14 November 1854.
128. MORNING CHRONICLE, 10 November 1854.
129. GLOBE, 14 November 1854.
130. MORNING CHRONICLE, 10 November 1854.
131. NIAGARA MAIL, 15 November 1854.

- 132. GLOBE, 14 November 1854.
- 133. MORNING CHRONICLE, 10 November 1854.
- 134. NIAGARA MAIL, 15 November 1854.
- 135. GLOBE, 14 November 1854.
- 136. MORNING CHRONICLE, 10 November 1854.
- 137. GLOBE, 14 November 1854.
- 138. MORNING CHRONICLE, 10 November 1854.
- 139. GLOBE, 14 November 1854.
- 140. IBID.
- 141. NIAGARA MAIL, 15 November 1854.
- 142. GLOBE, 14 November 1854.
- 143. IBID.
- 144. IBID.
- 145. MORNING CHRONICLE, 10 November 1854.

TUESDAY, 7 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Cauchon,--Two Petitions of the Roman Catholic Institute of St. Roch's, Quebec.

By the Honorable Mr. Young,--The Petition of W.L. Kinmond and P.L. Kinmond, of Montreal, Locomotive and Marine Engine Manufacturers.

By the Honorable Mr. Spence,--The Petition of the Medical Association of the United Counties of Wentworth and Halton.

By Mr. Hartman,--The Petition of the Reverend John Durrant and others, of the Village of Stouffville.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of William A. Johnston, A.B., and Attorney and Barrister-at-law, of Halifax, Nova Scotia, and find the Notice to be sufficient.

On the Petition of John Cameron, Esquire, and others, for incorporation of a Company to construct a Railway from Port Perry to connect with the Ontario, Simcoe, and Huron Railroad, Your Committee find that Notice has been published only in a Toronto Paper, (for the County of York,) while a portion of the proposed line runs through the County of Ontario; the Petition has however been

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signed by Members representing some of the localities interested, and a verbal assurance that the application is well known and approved of, has been given by both the Members representing the localities through which the said Road would pass; under these circumstances, and considering also that the Toronto Paper in which the Notice has appeared has an extensive circulation in the County of Ontario, Your Committee beg leave to recommend a suspension of the 62nd Rule.

Mr. James Smith, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Edmund Murney and Luther H. Holton, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Edmund Murney, and Luther H. Holton, Esquires, do attend in their places in this House, To-morrow.

Mr. Pouliot, from the Select Committee appointed to inquire into and report upon the means of publishing and obtaining a correct and impartial Report of the Debates of this House, presented to the House the Report of the said Committee; which was read, as followeth:--

In the opinion of Your Committee, there exists little probability that private enterprize will, for some years at least, supply so full a record of the Debates in the House of Assembly as would be desirable. It is alleged, that it would be injurious to the general circulation of a metropolitan Newspaper, were a much larger space devoted to the Parliamentary Debates than there is now; and were the discussions reported in extenso, the space occupied would be at least five times that at present devoted to the Debates.

Should Your Honorable House then, deem it expedient to secure a full and reliable record of the Debates, there seems no better course than the publication of a Mirror of Parliament at the public expense.

In the event of this course being adopted, it is respectfully recommended, that the work be given out to Public Tender,--that the Contractor should be bound to provide a certain number of Reporters in the English and French Languages, probably four of the former and three of the latter,--that the Reporters should be first-rate Stenographic or Phonographic writers, who should receive, from the Contractor, not less than Seven pounds ten shillings per week.

Some difficulty arises as to the length at which the discussions should be reported. There is much that passes in every Legislative Body that is immaterial; and the more condensed the Reports, consistently with conveying clearly the argument of the speaker, and preserving intact his illustrations, the more acceptable will they be to the reading public.

The Congressional Debates at Washington are written out at full length; but in England, the leading speeches only of any Debate are so reported, and the rest are much condensed. The English system is probably the best; but in getting up a Mirror of Parliament at the expense of the Legislature, the difficulty presents itself as to which speeches shall be given at length, and which condensed.

To whom shall be entrusted the power of decision? Shall the Reporter be left at full liberty to exercise his judgment, or can a check be applied by means of a Committee? Perhaps it would be expedient to leave this point to be determined by experience, care being taken in giving out the Contract, that the style of reporting shall be subject to the directions of a Select Committee.

It is recommended that the Debates should be published on the second morning after delivery, and that Members should, in the interim, have an opportunity of seeing the "proofs" of their remarks, and correcting inaccuracies; no new matter however to be introduced.

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Your Committee respectfully suggest, that the Debates should be printed with Burgeois type, on good paper, and made up in large octavo; and that the Reporting and Printing should be given out in one Contract, so that the responsibility of delays and misprints may be undivided. The Printing should be paid for by the number of ems, the amount of press-work, and the quantity of paper consumed.

The Contractor should be bound to furnish 2,500 copies of the Mirror for the use of the Assembly. The Contract should be given out for four years, and a Session of fifteen weeks annually, guaranteed.

The speeches should be printed in the language in which they were severally spoken; a more correct impression of the proceedings will thus be conveyed, than if all the speeches were translated into one language.

The Contractor should be entitled to use the Reports for his own purposes, but should have no exclusive copy-right.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be taken into consideration on Monday next.

Ordered, That the Petition of Walter C. Crofton, of Quebec, be referred to the Joint Committee of both Houses for the regulation and management of the Parliamentary Library.

Ordered, That the Petition of William F. Coffin, Attorney and Agent on behalf of the Inhabitants of the Counties of Clinton, Essex, and Franklin, in the State of New York, be printed for the use of the Members of this House.

On motion of MR. LANGTON,¹

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Ordered, That the time for receiving Petitions for Private Bills, also Private Bills, and Reports thereon, be further extended for a fortnight each.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address of the Legislative Assembly to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 15th September last, for copies of all Documents relative to a tract of land in dispute between the Inhabitants of Russelltown and the Seignior of Beruharnois.

For the said Return, see Appendix (Q.Q.)

Ordered, That the Orders of the day be now read.

And the Order of the day for the call of the House, being read;

Ordered, That the House be now called over.

Ordered, That the Serjeant-at-Arms attending this House do go with the Mace, to the places adjacent, and summon the Members there to attend the service of the House:--And he went accordingly; and being returned;

The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down, as follow:--

John Hillyard Cameron.

George Byron Lyon.

George Etienne Cartier.

John Rolph.

On motion of the Honorable Mr. Morin, seconded by the Honorable Sir Allan N. MacNab.

Ordered, That the Reasons of absence of such Members as were not present at the call of the House, this day, be taken into consideration on Tuesday the twenty-eighth day of November instant.

Mr. Loranger, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the

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United Counties of Lenox and Addington, informed the House, That the Committee had yesterday granted delay to the Petitioners and the Sitting Member until the eighth day of November instant, at the hour of Eleven in the forenoon, to file their Lists of Voters, in consequence of the declaration made by the Petitioners and the Sitting Member before the Committee, that they could not file the same sooner.

The Order of the House of yesterday, for the attendance of Robert Bell, Esquire, in his place in this House, this day, being read:--And Mr. Bell attending in his place;

On motion of MR. LORANGER,²

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Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Robert Bell, Esquire, being a Member of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the United Counties of Lenox and Addington, and not having been present within one hour after the time appointed for the meeting of the Committee on Saturday last, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, that he had taken Robert Bell, Esquire, into his custody.

Whereupon Mr. Loranger acquainted the House, that he was desired by Mr. Bell to state, That he was not in the House, and had not been sworn, when the Order

for the first meeting of the Lenox and Addington Election Committee was given, and was not aware of the time and place of the said meeting until too late; and the same having been verified upon oath by Mr. Bell;

Ordered, That Robert Bell, Esquire, be discharged out of custody.

Resolved, That this House will, at the rising of the House this day, adjourn until Four o'clock.

Then, on motion of the Honorable Mr. Morin, seconded (sic) by the Honorable Mr. Attorney General Drummond,

The House adjourned.

The House met at Four o'clock.

MR. PATRICK moved, seconded by MR. YEILDING, for an address to His Excellency, in favor of convening Parliament after the next Session, at the Town of Bytown, and on providing for the residence of the Governor General for the two Houses of Parliament, and for various departments of the Public service at that Town, with as little delay as possible. He said, every member in that House must be aware that there was no subject that occupied more the public attention, than the importance of permanently fixing the seat of Government. For years past, the course which they had pursued in this matter, had been one which has caused great complaint in both sections of the country. It was now the time to consider a change, and to erect permanent fire-proof buildings in a City which should be fixed upon for the permanent seat of Government hereafter. At present the archives of the Province, were lodged in most unsatisfactory and unsafe places. If they wished to secure the safety of the Public documents, a permanent seat of Government should be adopted. He begged to move the adoption of this Resolution.³

MR. YEILDING ... argued that the time had now arrived for fixing the Seat of Government, and that Bytown presented many advantages not possessed by other towns.⁴

MR. J.S. MACDONALD (Glengarry), wished the motion to be withdrawn.⁵

In supporting the above motion, MR. PATRICK said the course they had pursued for years past of having a Parliament alternately held in Upper and Lower Canada had caused great complaint throughout the country. When they had good Parliament buildings in each section of the Province, that was a strong argument in favour of the alternating system, but that argument continued no longer, now that the Parliament buildings had been destroyed in Quebec, and, if the present system continued, it would be necessary to erect new⁶ fireproof⁷ buildings both here and in Toronto, which he considered altogether out of the question.⁸ [He] would move the following instead of his former motion.⁹

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Mr. Patrick moved, seconded by Mr. Yeilding, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be

changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province;

MR. PRES. EX. COUN. MACNAB said the system of alternate Parliaments had received the sanction of a large majority of the Legislature in 1849, and having been sent over to England had received Her Majesty's sanction. But the system had hardly got under weigh, where now it was proposed to put an end to it. He thought it would be better that matters should remain as they were for a short time longer, until they saw whether there was really any advantage in that alternating system which had been so ably advocated by a large majority of a former House of Assembly, on the ground that it would have the effect of bringing the people of the two sections of the country more together, and enabling them to become better acquainted with each other's wants and feelings.¹⁰ He had been opposed to alternate Parliaments; but he wished to see the system tried for some little time at least. The Lower Canadians had been in favor of the alternate system; and as the present plan had been adopted it ought to get a fair trial. He hoped, therefore, that the present system would not be abandoned for some time at any rate.¹¹

MR. J.S. MACDONALD of Glengarry said, if there had been any opinion unequivocally expressed at the late elections in Upper Canada,¹² [OR] in both section[s] of the Province¹³, it was upon this question of the permanency (sic) of the Seat of Government.¹⁴ (hear, hear.)¹⁵ One of the most prominent matters in the declarations of opinion on the hustings was¹⁶ that the voice of the people was in favor of¹⁷ fixing the Parliament at a particular place. The hon. and gallant Knight who had just spoken when he was on the opposition side of the House,¹⁸ last year¹⁹ was against the alternating system²⁰ when this question was before the House.²¹ But on the other side of the House he had changed his views. The people of this country were tired of the alternating system, on account of its great expense and inconvenience and the increased risk to which it exposed the archives of the Province.²² The inconvenience of moving the public offices from one place to another, was experienced fully on the occasion of the removal from Toronto of those offices, when an accident occurred to the Steamer in which they were being conveyed, by which the archives were somewhat injured. He did not know whether the Hon. Members had taken the trouble to estimate the amount of expence that had been charged to the Consolidated Revenue Fund of this country for the alternate system as carried out from Montreal to Toronto. He (Mr. M.) had never agreed to the removal of the Government from Montreal, but the great majority of the people wished that wherever the Seat of Government was to be placed, that it should be permanent. He held in his hand a statement collected from the Public Accounts, which would show the House the enormous expence that the country had been put to by this system of alternate Parliaments. The removal in 1849 of the Seat of Parliament cost £8,898 in Toronto. In 1850 the expence at Toronto, including the rent of the public offices was £16,717. In 1851, £26,231. In 1852, the purchase of Spencer Wood, and the work thereat was £15,443.--In 1853, for public buildings at Toronto, £8,998, making, with other expences incurred, a total of £116,570 8s. 2d. for the last five years²³ or a cost of £20,000 a year.²⁴ Not only was this enormous expence incurred, through having alternative Parliaments; but dissatisfaction, in all respects, resulted therefrom, to the members and community. Every one connected with the Government experienced its disagreeable results.²⁵ The system entailed great disadvantages on all the families connected with the government, who were prevented from purchasing land and making a provision for their old age.²⁶ Was there then no remedy for the evil? He would hold that public

opinion had been decidedly expressed adverse to alternate Parliaments, and therefore the Government should declare that the time had come when that system should be abolished. In establishing a permanent Seat of Government, no regard should be had to the interests of individuals, but to the general interests of the people of the Province. What had the Government of England to do with the Assembly of our Parliaments in any particular manner. It was the people of Canada who had to pay for it--£116,000 of the public money, by keeping up this system was as good as thrown away.²⁷ If it was intended to have the seat of government permanently located in Toronto or at Quebec let it be known; but the present system should be put an end to.²⁸

MR. POWELL, (of Carleton,) thought it was so clear to every mind that the vagabondizing system now pursued was injurious to the best interests of the country, that it was unnecessary to say a word upon it.²⁹ The hon. and gallant knight had referred to the decision of a former Parliament as a reason why the alternate system should be continued.³⁰ It was not because a former Canadian Parliament had decided that this alternate system should be continued, that it should be kept up. The course decided upon by the Government when the Parliament sat at Montreal was brought about by the fact that its energies were paralyzed by the force of the circumstances of the time--an unfortunate one in the history of this country. That course was alternate Parliaments. It was not the deliberate wish of the people of the country; and the³¹ unanimous voice of the³² Press had denounced these Parliaments.--³³ He believed the Press expressed public opinion as well as it was expressed in the House.³⁴ It was unnecessary to refer to the statistics produced by the hon. member for Glengarry, for honorable members well knew that as far as the members, officials of the House and the convenience of the public was concerned, that the present system of alternate parliaments was very objectionable in view of the interests of the country. He certainly came into the House prepared to advocate the interests of one particular place in the choice that should be made for the Seat of Parliament. (Hear, hear.) Yet, in Carleton the population was of that consistency that in regard to nationality, French and English Canadians were put upon a fair footing. But he hoped that local feeling would not be brought to bear by hon. members. Alternate Parliaments could not be supported except by biased people.³⁵ Il croit que Bytown est la place la plus convenable, mais ce qui est plus important c'est qu'il y ait une place quelconque de choisie.³⁶

MR. SOL. GEN. H. SMITH objected to the manner in which the hon. member introduced the subject, as he had not followed the regular course.³⁷ This was not a government question; ... it was an open question, members of the government holding different opinions in regard to it. He thought there had been a great evil in always previously making this a government question; and he believed that the government that would take up that question and fix the seat of government in some one place, would gain great popularity with the public.³⁸ He was desirous of perpetuating the union of Upper and Lower Canada, and he saw nothing that would contribute more to that than getting rid of the alternating system, so that the Parliament instead of going to Upper Canada or to Lower Canada would always remain in Canada. (Hear, hear.) The hon. and gallant Knight, the member for Hamilton, stated that the present system was originated in Montreal by the vote of a large majority, and after full deliberation. He (the Solicitor General) ventured to say that had that motion³⁹ by Mr. Sherwood⁴⁰ been made one month sooner or one week later, it would not have been carried. It was only occasioned by a temporary state of feeling at Montreal, which he considered should never have influenced the question of where it was for the interest of

the country that the seat of Government should remain.⁴¹ It was the state of public feeling in Montreal at that time which led to the motion passing the House, and Montreal in that particular was badly treated. It was not because a mob broke out in the way it did in that city, that the Seat of Government should have been destroyed. There were some hon. members in this House who were also members of the Parliament that sat at Toronto, and some of those hon. members would, no doubt, coincide with him that when a Parliament got to a particular place the people evinced a desire to keep it there.⁴² Quand le parlement siég[e]ait à Toronto, les habitants de Toronto voulaient le garder chez eux; et de même les habitants de Québec aujourd'hui veulent le retenir. Lors du vote pour une somme d'argent pour les frais de transport de Toronto à Québec, quoique M. Sherwood se fût obligé de maintenir l'arrangement que lui-même avait proposé, il s'absenta de la Chambre. Son collègue (M. Boulton) était présent, mais il vota contre l'octroi.⁴³ The system of alternate parliaments was one of complete chiselling. The hon. member for Glengarry had shown that the expense which the country had incurred in the removal of parliament from one place to another, would have amounted to a sufficient sum to have paid for the erection of good parliament buildings and public offices. While he (Mr. S.) admired the candour of the hon. member for Carleton, he thought that this was not the proper time to discuss the question of at what place the Seat of Parliament should be fixed at. He (Mr. S.) had his own feelings upon the subject (sic), but to show the House that he (Mr. Sm[i]th) was not governed by local feelings or personal interest in the matter, (hear, hear,) he had always been constant upon this subject, and he had never voted for the removal of Parliament, from any place to another⁴⁴. Il l'a fait à Toronto, à Kingston, à Montréal;⁴⁵ he (Mr. S.) would not vote that night for the removal of the Parliament from Quebec, to any other place that might be chosen, unless the House adopted the principle of fixing upon a permanent seat of government. The officers and employees in the public departments was (sic) subject to great loss by this alternate system, leaving members of the government out of the question. Every one not in the government were most wretchedly paid. Look at the subordinates in the offices, their complaints of the inadeq[u]acy of their pay, together with the inconveniences arising from breaking up establishments, the removal of families, higher rents, the risk that the public records ran and other disadvantages. In the face of these evils he would declare that any hon. member who could get up and advocate the alternate system of holding Parliaments, would be a very bold man. He (Mr. S.) would vote for any resolution that might be submitted to the House fixing a permanent seat, and as to where that should be was not of much importance, although he confessed, that he had his own local feelings thereupon.⁴⁶

MR. HINCKS confessed, that when he heard the statement made by the hon. member for Glengarry, of the expence which the alternate system had produced upon the country, he was surprised; and as he (Mr. H.) found that the statement had been taken up by the Solicitor General for Upper Canada, he (Mr. H.) would deny altogether that the statement made by the honorable member for Glengarry was a fair statement. There were two items exactly similar, which appeared by mistake, to have been charged twice. He (Mr. H.) could not accept such a statement as evidence. It would have been better to call for an official return of what were the expences alluded to by the hon. member for Glengarry.--⁴⁷ In the hon. gentleman's calculations he found one item of £8,851 10s. 5d. for the fitting up of Spencer Wood added in twice.⁴⁸ Nor did he think that such an expenditure as that should be set down to the alternate system of Parliaments. Expences should only be put down to that system that were fairly incidental to it.⁴⁹ Other items also were put down which he did not think could be legitimately charged to the

alternating system.⁵⁰ \$48,000 étaient déboursés pour des bâtisses publiques, qui ne doivent pas être mis sur le compte du système. Maintenant si l'on transporte le siège du gouvernement à un endroit quelconque en dehors de Québec ou Toronto, on devra commencer par acheter un emplacement très considérable, probablement à un prix fort élevé. Il ne pense pas que les frais de transport doivent être considérés pour quelque chose dans cette matière; ils sont peu considérables, et la seule augmentation de dépense qui soit d'importance, c'est le coût de deux bâtisses au lieu d'une.⁵¹ Now, as to the Parliament going to Montreal, there was no property of any consideration there belonging to the Government, and they would have to buy a very large amount of property at an enormous sum, in order to furnish the requisite Parliament buildings and public offices.--⁵² Every one knew perfectly well that the reason they adopted it was the difficulty of uniting the members of this House representing different populations in Government. It was probable that, if he had ... been present when the vote was taken in Montreal, he would have voted against the alternating system. His feelings were strongly against it, when first proposed, but now that it was in operation, he considered it very doubtful whether it was expedient to make a change.⁵³ He could not agree with the hon. member for Carleton (sic), although, as the representative of Renfrew, he must be considered an advocate of the Ottawa interests;⁵⁴ he would warn hon. gentlemen representing the Ottawa country, that they had very little chance of the Government resolving to place the Parliament at Bytown. If they so thought, they labored under a delusion.⁵⁵ He did not think that any of these out of the way places would be selected.⁵⁶ If there were to be a permanent Seat of Government at all, he thought it followed almost as a matter of course that it must be at Montreal. (Hear, hear.) Now, supposing the Seat of Government was fixed at Montreal, he would state the principal difficulties he had in regard to this question, and which weighed strongly on his mind in leading him to deprecate any change at the present moment.⁵⁷ Although no member of this House would make more sacrifices than he would, in every way, to maintain the union,⁵⁸ between Upper and Lower Canada, he could not say conscient[i]ously when a question of this kind came up, that he had perfect confidence that that Union could be continued. (Hear, hear, and remarks of dissent.)⁵⁹ Taking the tone of public opinion as a guide, and what he feared might be the demands made hereafter by one section of the Province upon the other, and which the one section would not meet, and believing, as he did, that nothing could be more intolerable than one section endeavoring to govern the other by a mere majority opposing the interests of the minority section. Such a system had failed in Belgium, and it had always proved impracticable.⁶⁰ And he firmly believed they could not carry it on here. If the opinions of hon. gentlemen holding the opinions of the hon. member for Lambton,⁶¹ (hear, hear,) ⁶² should prevail in Upper Canada, or an attempt be made by means of a majority to interfere with the feelings and wishes of the people of Lower Canada (sic), he was not prepared to say that the Union could be maintained.⁶³ (hear, hear)⁶⁴ Up to the present moment, he (Mr. Hincks) had opposed any increase in the representation of one section of the Provi[n]ce over that of the other, because⁶⁵ he (Mr. H.) believed that the Union was established upon the principle of unequal representation; and as long as the Union lasts he did not see how it could be carried out on any other principle (hear, hear);⁶⁶ the moment they adopted any other principle they put Lower Canada at the foot of Upper Canada, to be governed as the people of Upper Canada desired. But such a system they could not carry out. It would lead to frightful consequences. At the same time he was not prepared to say that Upper Canada would continue to be satisfied with an equal representation, as her population increased, and what

might happen in that event he could not tell. But he did not believe that under existing circumstances they had such guarantees for the continuance of the Union, that it was safe to determine now that the Seat of Government should be established at Montreal, for in case a separation of the Union should take place, would not everything that had been expended have been thrown away, and the people of Upper Canada would have to begin de novo at Toronto or some other place, and the Lower Canadians would probably again resort to Quebec as their Seat of Government. He believed, therefore, that the present system was the safest to be continued. To continue it, he freely admitted that it involved the necessity of having proper buildings erected at Toronto and Quebec. But in Toronto they had the means of erecting Parliament buildings on most advantageous terms. There was public property there which could be sold at a very good price, so as in a great measure to defray the cost of the new buildings. And, if those buildings were erected, there they remained, and in case a dissolution of the Union should occur, they would furnish very suitable accommodation for the Parliament and Government of Upper Canada. In Quebec also, they enjoyed as great advantages for erecting public buildings as they could have at Montreal. He had many reasons which would induce him to be satisfied with the decision that the Seat of Government should be at Montreal or Bytown, but he did not think it was a matter to be in any way regulated by personal feelings.⁶⁷ He had no personal feeling in the matter; none against any of the particular places mentioned.⁶⁸

MR. BROWN said it appeared to him that the hon. member for Renfrew had dragged into the present discussion matters by no means pertinent to the subject before the House. (Hear, hear.) Scarcely had that hon. member risen to address the House, when he told them that they were on the eve of revolution, and bloodshed, or some terrible convulsion, in case one part of the Province was ruled against the will of that section by a majority from the other section. If the hon. member alluded to the forcing of legislation upon Upper Canada, as the hon. gentleman had been doing for the last two or three years, contrary to the views of the people of Upper Canada, he certainly was in a position to judge of the effects of that course, but even there he (Mr. Brown) begged to differ from him. Although many things had been forced upon the people of Upper Canada, contrary to their views and feelings, the very last thing they ever dreamed of was revolution. (Hear, hear.) They were prepared to submit to the majority of this House. They bowed to the authority of a Constitutional Parliament, and were willing to be governed by constitutional rules. (Hear, hear.) They were prepared, however, to maintain their own ground, feeling that, if they gained a majority, their views would become predominant, as other views were predominant now. (Hear, hear.) They would not, because they said that the principle of entire separation of Church and State should be carried out, and although they saw one church unduly fostered by the State, they would not, on that account, get up and say that there should be revolution and bloodshed. All those ideas, therefore, he considered were purely imaginary on the part of the hon. member for Renfrew. They naturally flowed from the position held personally by that hon. gentleman from the fact that in the last Parliament he was supported by a large Lower Canadian party, and could only maintain his position by taking up the ground he did in reference to Upper Canada. It was the constant habit of the hon. member for Renfrew to bring up these questions, as if he intended to intimidate hon. members from Upper Canada from giving their votes according to their convictions, by holding up those pictures of bloodshed and revolution. They never heard such views proceeding from hon. members from Lower Canada--(hear, hear,)--and he appealed to them and to every member of the House, whether they had ever found him (Mr. Brown) endeavouring to force any thing upon the people of Lower

Canada against their own inclinations. All that he and his friends had done was to resist the attempt of a Lower Canadian majority to enforce their ideas upon the people of Upper Canada. All they asked was that they themselves should not be trespassed upon. They had no desire to enforce their peculiar views on the people of Lower Canada, but they asked at the same time that Lower Canadian views should not be forced upon Upper Canada. (Hear, hear.) As to the question before the House, he thought the argument in favour of a permanent seat of Government was almost unanswerable. It was quite clear that this changing system was very costly, although not perhaps so costly as his hon. and learned friend, the member for Glengary, had attempted to make out. But, while he would be quite prepared to vote for having a permanent seat of Government at the proper time, he did not consider that that time had yet arrived, and for the following reason: If they were to have a fixed seat of Government, some place would be taken as near the centre of the province as possible, and there were only two places which would meet that requirement, Montreal as the most western city of Lower Canada, or Kingston as the most eastern city of Upper Canada. For his own part he would prefer (sic) Kingston, and had voted for it on a former occasion, and would vote for it now, if they were compelled to decide as to a permanent seat of Government. But it should be remembered that in Kingston, as in Montreal, there were no buildings in which Parliament could meet. In Toronto, on the contrary, they had public property, and the Parliament could be well accommodated there for the next four years. It was evident that permanent buildings could not be put up, for the next three or four years, and he thought it well, therefore, that they should carry out the present system in the mean time, by removing to Toronto next year, and taking up afterwards the question where the permanent seat of Government should be fixed. The Parliament having been since the union ten years in Lower Canada, to balance two years in Upper Canada, he thought it only fair that the present system should be carried out for another term of four years, by removing the seat of Government for that period to Toronto, according to the arrangement now in existence. He therefore moved in amendment to Mr. Patrick's resolution, "That it is inexpedient to interfere with the arrangement in regard to the seat of Government adopted by this House in 1849, and re-affirmed in 1853 (sic)."⁶⁹

MR. CRAWFORD said Brockville was the most easterly town in Upper Canada.⁷⁰

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Mr. Brown moved in amendment to the Question, seconded by Mr. Gamble, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;

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And a Debate arising thereupon;

MR. PROV. SEC. CHAUVEAU spoke in opposition to any change from the present system.⁷¹

MR. ROBINSON supported Mr. Brown's amendment. At a time when the question of the Union of all the British American Provinces was likely to arise, in which case the permanent seat of Government would probably be fixed at Quebec, he thought it was premature just now to bring up the question of a permanent seat of Government for Canada alone. In the mean time, the present agreement which would have the effect of taking the Parliament back to Toronto next year, should be fairly and honestly carried out.⁷² In Toronto there were buildings in very good order, which might be made ready for the reception of Parliament next fall.⁷³

MR. J. ROSS thought it was to be regretted that this question should be brought on now to the exclusion of other business of greater importance. The Clergy Reserves and Seignorial Tenure questions were pressing for settlement, but nothing was heard about this question, in the country. There was no agitation upon it and no petitions sent in. He was in favor of the alternate system⁷⁴ being kept up for the present.⁷⁵ [He] considered the debate idle⁷⁶. He believed it was an advantage to mix up the people of Upper and Lower Canada. The hon. member for Brockville had named Brockville as the proper place at which to have the fixed seat of Government. If the question of a fixed seat of Government came up he (Mr. R.) should go for Presque Isle. (Laughter.)⁷⁷

MR. MERRITT was in favour of the present system being continued. The faith of the country was pledged to it in 1849, and again on the occasion of leaving Toronto when the whole Government, of whom the Attorney General East was one, were agreed that the system should be carried out.⁷⁸

MR. AT. GEN. DRUMMOND.--I have always been opposed to the present system. I have always insisted on its being left an open question, and have thrice tendered my resignation on it.⁷⁹

MR. MERRITT said this was the first time he had heard of the Hon. Attorney General having ever tendered his resignation. It was but natural that that hon. gentleman should have voted for its remaining at Montreal in the first instance, as he lived there, but when it was proposed to carry out the alternating system by removing the seat of Government from Toronto to Lower Canada, there were no objections raised then by the Attorney General, that he had ever heard of. He thought the reasons assigned by the hon. member for Renfrew were real and substantial arguments in favour of alternate Parliaments. If they looked at the signs of the times, they could not fail to discover that the union between Upper and Lower Canada could not last, that it was an organization which could not long remain in its present state. Did any body believe that Upper Canada would continue the present system of equal representation, after its population came to be one-third or one-half more than that of Lower Canada? This furnished an unanswerable argument that their (sic) must either be a dissolution of the union between Upper and Lower Canada, or there must be a union of the whole of British North America.⁸⁰ In these British American Provinces, there are five Governments for three millions of people, for which the people are taxed. In the United States they have one general and several municipal governments, with free trade between each of the States; and to that free trade they owe their prosperity.⁸¹ The people had hoped that there would have been but one Government before now for united Canada, but the fact was that they had two responsible Governments, and two sets of officers in every department, one for each section of the province. Since the union, the expenses of carrying on the Government had increased to an enormous extent. Although the population had only doubled, the taxation had increased in a much greater proportion the public revenue having risen from £200,000 to upwards of £1,300,000. He was in favour of one Government for all the colonies, but so long as there was a prospect of separation between Upper and Lower Canada, he thought that that furnished an unanswerable argument for continuing the present system of alternating Parliaments, and were it not so, the good faith of the country was pledged to taking back the seat of Government for four years to Toronto.⁸²

MR. AT. GEN. J.A. MACDONALD (Kingston) thought it would be only right that the seat of Government should go to Toronto for the next four years, while preparations were being made for the public accommodation at whatever place should be

chosen as the permanent seat of Government. But he looked upon the motion of the hon. member for Lambton as an evasion of the original proposition, and thought they should now decide, with a view to settling the public mind, in the first place, whether they were to have a permanent seat of Government, and, in the second place, where it should be. He should himself vote for the two propositions, first, that a permanent seat of Government is desirable, and, secondly, that it should be declared now.⁸³

MR. BOWES found there was great advantage in the present system, in making the members acquainted with both sections of the Province. Before he went to the Saguenay he had no idea there was civilization below Quebec. For the rest, faith must be kept with Upper Canada, to preserve the union. This should not be an open question but the Government should insist in faith being kept with Upper Canada.⁸⁴ [He] insisted on the advantages which result from the alternate system. He insisted on the arrangement being carried out in good faith; for if the agreement were not kept, those jealousies which had been referred to as an impediment (*sic*) to the successful working of the union would gather great strength. The hon. Attorney General had said that Toronto had great claims. It had great claims; and he hoped that the Lower Canada members of the Cabinet who had pledged themselves to the existing arrangement would carry out that pledge. He did not claim for Toronto the permanent seat of the government; he did not claim it for any place; as it was impracticable so long as the union lasted.⁸⁵

MR. YOUNG said, that in his mind this question of the seat of Government was connected with another question of still greater importance, which was no other than this,--whether those Provinces were to remain connected with Great Britain or not. He was strongly of opinion that their union to Great Britain could only be cemented together by a union of the whole British Provinces. That question might be delayed for a time, but if they were to remain a part of the British empire, the whole of these provinces must be united; and he was very sorry that the measures in progress some years ago for having a system of railway communication completed between all the provinces had not succeeded, for if they had, the union would have taken place in a very short period.⁸⁶ The projected railway between Quebec and Halifax had not been undertaken, but sooner or later that must be made in spite of all obstacles.⁸⁷ It might be delayed until it could not be ultimately prevented, and that connection must be formed with Nova Scotia and New Brunswick, before this country could attain that point of progress which it was yet destined to reach. (Hear, hear.)⁸⁸ In testing the question of the seat of government, he kept this proposed union in view. As to Montreal, she did not depend for her prosperity on the seat of government, but on her commerce and on her situation as head of sea navigation, and the bottom of the navigation of the lakes. All that the seat of government could do for the prosperity of a city was to cause the influx of some 200 families and that was no great thing either for Quebec or Montreal. It was not then a question of mere locality that weighed with him in treating this question, but he must say that if the Province of Canada remained as it was, he must say that Montreal was the most central place that could be found. It was only fifty miles less distant from the extreme east of the Province as from the extreme west; and if all the B.N.A. Provinces were united⁸⁹ by railway⁹⁰, there would only be a difference of 200 miles from the point of Montreal between the eastern and western extremity.⁹¹ He would only make one other remark on the reference made by the hon. member for Renfrew in respect to the dissolution of the union. Considering the position of that hon. gentleman, as lately at the head of the finances of

this country, and considering his position now, he regretted exceedingly that that statement was made by that hon. member. (Hear, hear.) He could conceive of nothing more calculated to destroy the credit of this province than to talk to this House of the dissolution of the union being in any way connected with this question. (Hear, hear.) He could not for a moment suppose that the hon. gentleman could be serious in the statement he had made, for considering the state of things which existed in 1837 and 1839, he could not think that he could contemplate again bringing about that state of things which would be the inevitable result of separating Upper from Lower Canada. (Hear, hear.)⁹²

MR. RANKIN was opposed to the system that had for some time been pursued; and should therefore support the main motion.⁹³ [He] concurred in the remarks of the last speaker, particularly as to the union of all the provinces. If ever they wished to become a nation, or to secure the respect of other nations, this cry about Upper and Lower Canada as distinct from each other must cease. In regard to the question immediately before the House, he looked upon the present itinerating system as discreditable to the country in which they lived.⁹⁴ He thought there was nothing more discreditable than the selfish motives of those who resided in Toronto, to advance the pretension of that city.⁹⁵

MR. INSP. GEN. CAYLEY would support the amendment to the main motion. It appeared to him, that it would be a breach of faith upon the present occasion, if the House were to determine to keep the seat of Government in Lower Canada.⁹⁶ He considered that Upper Canada members having for the last four years been put to the inconvenience of coming so far as Quebec, it would be but fair that for the next four years they should be relieved from that inconvenience, by the Parliament being at Toronto.⁹⁷ If they returned to Upper Canada, until the Railroads were completed and then determined upon the seat of Government, he thought that Upper Canada would thus receive her share of the benefits arising from the present system.⁹⁸

MR. MCKERLIE spoke in favour of having a permanent seat of Government. He was glad to see that it was not made a Cabinet question, so that ministers for once had the privilege of voting according to their consciences. (Hear, hear, and laughter.)⁹⁹ He was not personally interested in choosing any particular place. The expenses of the present system were very great.¹⁰⁰

MR. MARCHILDON (in French) said it was very hard for the members of the ministry to be subjected to migratory Parliaments. By such a system, neither they nor their children became acclimated. (Shouts of laughter.) They had good air in Quebec, favorable to their health. (Renewed laughter.) He did not see that distance should have anything to do with considering where the seat of Parliament should be, because when speaking of Railroads, hon. members never alluded to distance as being any objection to their formation. (Laughter.) Because at Montreal they had the termin[ati]on of Railroads and Canals, it was no reason that the seat of Parliament should be there. Quebec was the proper place for it.¹⁰¹

MR. GALT also spoke in favour of the permanent system. He had listened with great pleasure on many occasions, to the hon. member for Renfrew, but he had never listened with so much regret to any remarks in this House as he had done to the speech of that hon. member this evening. He had used as an argument for keeping up the alternating system, that there was no certainty of the union between Upper and Lower Canada being maintained. To his (Mr. Galt's) mind, that was one of the strongest arguments against it, for nothing could tend more to

keep up distinctions between the two sections of the province, than holding the Parliament alternately four years in the one section and then four years in the other.¹⁰² He (Mr. G.) thought that if this question were contested long, that the union of the British North American Provinces would be prevented.¹⁰³ Le moyen d'empêcher la consolidation de l'Union est de maintenir ces distinctions auxquelles quelques messieurs tiennent si fort. Ce n'est pas par une telle politique qu'on crée des nations. L'un des objets principaux du bill qui était devant la Chambre hier soir, est d'abolir une distinction sociale qui existe entre les deux sections de la province, et de mettre les propriétaires de terre dans le Bas-Canada sur le même pied que ceux du Haut-Canada. D'ailleurs dans le Bas-Canada il y a 300,000, ou 400,000 personnes de la même race que le peuple du Haut-Canada.¹⁰⁴ Doubts thrown out as to the permanency of the union struck at the very root of our provincial credit, and he had been very much pained to hear them expressed by the hon. member for Renfrew.¹⁰⁵ There was not a shadow of a reason to fear the union was in danger. Several members of the government had spoken since, but they had not referred, as he thought it their duty to have done, to the hon. member for Renfrew's observations; and he begged to call the attention of the hon. and gallant knight at the head of the government to that fact.¹⁰⁶ He hoped that some members of the Government would counteract the tendency of that speech by declaring that there was not a shadow of expectation of the permanency of the union being endangered. (Hear, hear.)¹⁰⁷ It would be better now to determine where the permanent seat of Parliament should be.¹⁰⁸

MR. POWELL could not see the force of the hon. member for Renfrew's raw head and bloody bones argument, that a change from the present alternating system would lead to a separation, to bloodshed, and to revolution. He trusted the union rested on a firmer basis than this nomadic, vagabondizing system.¹⁰⁹ To show that the people in 1849 did not decide in favor of the vagabond system of alternate Parliament, he would refer to the vote upon the occasion. (He then did so.) He was desirous to have the Parliament continue in Quebec.¹¹⁰

MR. CAUCHON said a good deal of indignation had been wasted on the subject. Members got up and were highly indignant, at first, at the idea of continuing the alternate system; but they came down to the very small question of locality at last. For himself he would vote for Quebec. (Laughter.)¹¹¹ (Hear, hear.)¹¹² [He] supported the claims of Quebec to be the seat of Government, especially as there was a prospect in a few years of a union of all the provinces, when of course Quebec would be the seat of the Federal Government.¹¹³ He was old enough in this House to know that the best policy was to speak the truth. The hon. members who lived in Montreal went for Montreal, for the good of the country; but if they lived in Quebec they would then go for Quebec, for the good of the country! The question was up, in 1849, in Montreal, after the burning of the Parliament House, and the same thing was observable then.¹¹⁴ Pour sa part il n'était pas mû par la crainte, comme on a dit que certains membres l'étaient lors du vote de 1849, et il n'a aucune objection à cette ville, quoiqu'il ait failli brûler dans la Chambre, et être tué chez Daley.¹¹⁵ The Railroads on both sides of the St. Lawrence would soon be in operation. But at all events, alternate Parliaments were the best. He was sorry to hear the Hon. member for Renfrew allude to dissolution of the Union.¹¹⁶ If he knew any thing of Upper Canada it was because the seat of government had been held there two years. He did not say there would be a separation of the Provinces, but the people would derive an advantage from knowing one another and the two sections of the Province better. But for their coming down here, and the excursion to the Saguenay,

Upper Canada members would have known nothing of the Lower St. Lawrence country, but been impressed with the false idea that Quebec was the limit of settlement and civilization. The hon. member for Lambton professed a desire to have the existing arrangement carried out, but he did not express a desire to see the alternate system continued. The hon. gentleman's party were in favor of carrying out the existing arrangement because it took the seat of government to Toronto. They said they were entitled to the four years; and then no doubt they would be ready to go for permanency. If he thought that was their object, and that no faith would be kept by the Upper Canadians, he would go at once for permanency.¹¹⁷

MR. LORANGER spoke in French¹¹⁸. [Il] admire la franchise du membre pour Montmorenci; et il y voit une autre preuve qu'aucun argument un peu solide ne peut être donné et que les seules raisons pour maintenir le système actuel sont des raisons personnelles et de localité.¹¹⁹ [He] spoke in favor of the permanent seat of Government being fixed at Montreal¹²⁰.

MR. COM. PUB. WORKS CHABOT [spoke] in French¹²¹. [Il] parle avec quelque chaleur en faveur des parlements alternatifs.¹²²

MR. PAPIN spoke in French¹²³. [Il] désire se borner à la discussion de la question réellement devant la Chambre, qui n'est pas de savoir si le siège du gouvernement doit passer à Montréal ou à Toronto, mais plutôt s'il doit voyager d'un bout de la province à l'autre tous les quatre ans. Voilà la vraie question, et non pas celle que plusieurs messieurs ont dit devoir déterminer leurs votes. Ces messieurs qui se prononcent contre Montréal sacrifient l'intérêt public pour l'intérêt de localité; ils oublient les grands principes sous l'influence desquels ils doivent envisager la question. Cette question, il le répète, est simplement si le siège du gouvernement sera fixé dans une place quelconque, ou s'il sera toujours ambulante. Il faut espérer que le ministère donnera son influence en faveur de la permanence, quoique l'on n'ait pas droit d'attendre qu'il la donnera en faveur d'une place en particulier. Pourtant le gouvernement n'a pas osé prendre la responsabilité d'une pareille démarche, et peut-être cette faiblesse de sa part empêchera l'adoption d'un système raisonnable. Si la question était décidée d'après son vrai mérite, ç'en serait bientôt fait, car ceux qui ont parlé en faveur du système alternatif n'ont apporté que des raisons d'intérêts locaux, et, il regrette de le dire, se sont laissés entraîner par des motifs de jalousie et de rivalité qui ne devraient jamais entrer dans la considération de pareilles questions. Ce sont des considérations d'économie et d'intérêt public qui doivent déterminer l'action de la Chambre.

Quant aux considérations d'économie, il ne peut y avoir aucun doute qu'elles sont en faveur du système permanent, vu les dépenses du transport des familles et des archives provinciales; d'ailleurs ces voyages sont accompagnés d'une perte de temps très considérable, de la part des employés du gouvernement qui se trouvent obligés de s'occuper de leur déménagement au lieu de s'occuper des affaires publiques, pour lesquelles ils reçoivent leurs salaires. Quant aux archives, il est certain qu'elles sont exposées à plusieurs dangers par ces fréquents changements.

Les membres qui favorisent le système alternatif peuvent-ils donner des arguments qui militent contre les raisons qu'il vient de donner. Aucunement; mais ils sont si intéressés en faveur de ce système ..., qu'ils sont sortis de leur habitude ordinaire, et sont devenus des partisans chaleureux. Aucun membre n'est plus paisible ordinairement que le Commissaire des travaux (sic) publics; mais ce soir il a laissé ses habitudes paisibles, et s'est excité à

un point qui s'accorde peu avec sa gravité, ordinaire. (on rit). Quand il s'agit des intérêts publics, personne n'est plus calme et plus modéré, mais quand il s'agit d'une question dans laquelle il est particulièrement intéressé, il s'excite et s'anime comme dans une lutte acharnée. Le Secrétaire-Provincial aussi a fait une démarche tout à fait extraordinaire. Pour la première fois depuis plusieurs années, il s'entend avec le membre pour Lambton, vient à son secours, l'aide de ses conseils et tâche de lui faire changer un peu sa motion pour en assurer le succès. Le membre pour Montmorency, cet homme aux grands principes, qui est toujours prêt, si on l'en croit, à faire tant de sacrifices pour sa patrie, s'est écarté de tout principe, et s'est moqué de ceux qui ont voulu discuter la question au point de vue de l'intérêt public au lieu de l'intérêt local. Ce monsieur a laissé ces doctrines élevées qu'il a coutume de prêcher, et a réduit tout son patriotisme à la proposition suivante: "Je suis pour Québec." Ces messieurs n'ont qu'une idée; Québec est leur patrie, et en dehors des murs de Québec ils sont dans l'exil.

Pour lui (M. Papin) si la permanence est décidée, il votera ou pour Québec ou pour Montréal, car il confesse que le plaisir qu'il a éprouvé à se trouver parmi les habitants de cette ville lui a donné de tels préjugés en sa faveur qu'il se sent vraiment disposé à voter pour elle. Il pense que le membre pour Montmorency doit agir avec la même franchise. Il est vrai peut-être que Québec est sa patrie; mais enfin il doit mettre de côté cette étroite et mesquine politique quand il s'agit des sujets d'une importance générale. Il (M. Papin) est indifférent quand (sic) à la place qui sera choisie; mais il veut au nom du sens commun qu'on en choisisse une; que les Chambres ne soient plus des oiseaux de passage changeant de climat à chaque changement de saison; qu'elles soient quelque chose de stable, quelque chose de permanent, quelque chose de solide.

Il n'y a qu'un semblant de raison allégué de l'autre côté. On dit que les membres du Haut-Canada doivent aller dans le Bas-Canada, et ceux du Bas-Canada dans le Haut-Canada afin qu'ils se connaissent les uns les autres, et le représentant de Toronto a dit qu'il croyait, jusqu'à ce qu'il eut fait le voyage du Saguenay, que Québec était à l'extrême limite du Canada. S'il en est ainsi, il ne croit pas qu'aucun changement dans le siège du gouvernement ne pourra donner les connaissances nécessaires dans un législateur à une personne qui en avait si peu auparavant. On dit aussi qu'on apprend les langues des deux sections de la province en voyageant de l'une à l'autre; mais cette raison est entièrement favorable au Bas-Canada, car il y a un bien petit nombre des membres du Bas-Canada qui ne comprennent pas l'anglais, pendant qu'il n'y a que quelques-uns des membres du Haut-Canada qui connaissent la langue française. Ces messieurs doivent donc venir à Québec et y rester jusqu'à ce qu'ils aient appris le français complètement.

Quant à la foi publique qu'on a prétendu invoquer, il demande si cette foi n'avait pas été engagée envers la ville de Montréal, et si elle n'a pas été violée?--Et pour quelle cause? Parce qu'il y avait une émeute; parce que les membres de la Chambre avaient peur des émeutiers. Car on avait vu des membres résidant dans le district de Montréal voter pour Québec et Toronto. Faut-il donc se soumettre à un arrangement fait sous de pareilles circonstances? On a parlé sur les bancs ministériels d'une union fédérale des Provinces Britanniques. Cela peut être une raison comme une autre; mais on ne doit pas oublier que quand la demande a été faite pour des renseignements sur cette question de la fédération, on a répondu qu'on ne connaissait rien à ce sujet. Mais cela s'explique. Quand les intérêts de localité sont en question, c'est alors que ces messieurs, comme le Secrétaire provincial, commencent pour la première fois à penser à la destinée de la patrie. Alors aussi leur vue devient plus claire

et ils conseillent leurs amis de ne pas se laisser prendre au piège;--que s'ils votaient pour le siège permanent du gouvernement, ils voteraient contre la ville de Québec. Mais n'est-ce pas la condamnation la plus frappante du système en faveur duquel ces messieurs se proposent de voter? S'il est vrai que de voter pour le système permanent sera par le fait même de voter contre Québec et pour Montréal, cela ne montre-t-il pas que Montréal et non Québec doit être le siège du gouvernement? Si les représentants du district de Québec persistent, par esprit de jalousie, à conserver le système alternatif, qu'ils ne soient pas surpris de voir la proposition que Montréal et Toronto ou Montréal et Kingston seront les deux endroits choisis pour cette fin; et une pareille proposition serait certainement emportée. Il désire que les membres du district de Montréal ne soient pas obligés d'en venir à cette proposition, mais si, contre toute raison, on impose le système alternatif, Montréal a droit d'en profiter comme les autres, et la ville de Québec n'aura pas lieu de s'étonner du résultat qui aura été amené par le manque de patriotisme de ses représentants.¹²⁴

MR. POST. GEN. SPENCE approved of carrying out the present arrangement, to the extent of going to Toronto for the next four years. He did not think that this was the time for determining the question of a permanent seat, as everything led their minds to the conclusion that great changes awaited the country, and that matters could not remain five years longer in their present condition. At the same time he thought the remarks of the hon. member for Renfrew had been misconstrued. He did not understand him to threaten fire, and blood, and thunder, although the hon. and gallant knight, the member for Hamilton, had remarked to him, that these were very common topics for an Irishman to dilate upon. (Hear, hear, and laughter.)¹²⁵ This country awaited a change, but whether the change contemplated by the hon. member for Montreal (Mr. Young) or that contemplated by the hon. member for Renfrew, would take place, we ought to await the course of events before deciding this question. With regard to the alternating system, it had manifest advantages. He had heard a gentleman from Lower Canada say that whatever he had known of Upper Canada before, he learned a great deal more by his visit to Upper Canada, in consequence of the alternating system.¹²⁶ There might be some who would attempt to sow the seeds of discord between the inhabitants of Upper and Lower Canada, but he trusted those efforts would be futile, and that that union would be preserved so long as it was advantageous to both provinces. He trusted that no dismemberment of it would take place unless with a view to the further enlargement of the union, by embracing the whole of the British North American Provinces. (Hear, hear.)¹²⁷ It would be premature to have a fixed seat of government in the present transition state of the country. He would therefore vote for the amendment.¹²⁸

MR. HINCKS said the spirit of his remarks had been entirely misconstrued. He never stated that the question of the seat of Government would cause any particular excitement. What he did say was that he had no confidence in the permanence of the union. (Hear, hear). Exactly so! Hon. gentlemen might cry hear, hear, but that was not saying that if the determination of this House should be that there should be a permanent seat of Government, that would form an inducement to himself, or any one else, to form an opinion as to the union. That had nothing whatever to do with the question of the seat of Government; but he had explained that for other reasons altogether he did not think there was that assurance of the permanency of the union which would induce him to make a change, based on the assumption that that union was to be continued.¹²⁹ In this state of things, he did not think that we ought now to determine upon Montreal, as

the permanent seat of government--for he had already given his opinion, that if a permanent seat of government were determined upon, Montreal would be the place.¹³⁰ There had been a great deal of discussion to-night with regard to political changes. The hon. member for Simcoe (Mr. Robinson) had referred to a scheme for the union of all the provinces. For his own part he had never seen any scheme propounded which entirely met his approbation, or which was at all likely to be sustained by public opinion in Canada. Since he previously spoke, an amendment had been moved by the hon. member for Lambton. He did not concur in the views of that hon. member, who seemed to be in favour of a permanent seat of Government. Decidedly not. At the same time he should vote for his amendment, which would have the effect of carrying on the present system, by taking the Parliament back for the next four years to Toronto.¹³¹ He considered that all the members for Lower Canada who were in favor of continuing the alternate system, were bound to join him in voting for the amendment.¹³²

MR. PRES. EX. COUN. MACNAB said, there had been a great deal said about public opinion being in favor of a fixed seat of government; but where was the evidence of this? There had been no public meetings in the Province to agitate the question; and he believed there were no petitions before the House. He thought the remarks of the hon. member for Renfrew had been misinterpreted; and that he had not intended to say that the selection of a seat of government could have any effect upon the union; but only that it was not desirable, in the present state of things, to fix the seat of government. He did not know that a majority of four or five in this House would be any reason for changing a system that had worked well. If there should be a tie on the question of fixing the seat of government, and the question were decided by the casting vote of the Speaker, he did not think the Governor General would in consequence be bound to call Parliament at some other place. He would vote for the amendment of the hon. member for Lambton, and he hoped that the hon. member would give him a vote in return, some time when he wanted one.¹³³

MR. TURCOTTE spoke in favour of the seat of government being permanently fixed in some place where hon. members from either section of the Province could be understood, speaking in their own language.¹³⁴

MR. FERRES said that he was not aware that anything new could be said upon the subject under discussion, nor that if there were, he could say it so well as others might do, yet he conceived it to be the duty of those members to express an opinion upon so important a subject, whose position rendered them independent of local considerations and whose constituents, having no personal interest in the selection, had placed their representatives in a position to pass over those feelings of local and sectional jealousy which was declared by some members to actuate others. As he (Mr. F.) felt himself to be in that position, he could give a disinterested vote and opinion on the question of the permanent seat of government. If he were to give an opinion as to the locality, he would say that he would prefer Bytown. That city was accessible from all quarters, it might be fortified with a strength equal to that of Quebec, and it was to be the centre city of a large, fruitful, and flourishing country.¹³⁵ If a union of the Provinces were to take place, he believed the Ottawa country the most accessible to persons from New Brunswick: they would come through Massachusetts, and proceed by the railroad now in course of construction.¹³⁶ He felt not a little amused at the waggery of the hon. and gallant Knight (Sir Allan MacNab) in declaring that he had not had experience enough to enable him to decide upon the merits of the permanent and the ambulating systems; it was on[ly] equal to the

good humor with which he gave them to understand that the gypsy system had worked to the satisfaction of the country because there were no petitions before the House asking for a change. He (Mr. F.) from his experience could declare that whenever men assembled together in public or not, one in fifty could not be found who did not condemn the present system--in the humblest tavern in the backwoods and in the most luxurious hotels of the largest cities only one expression of opinion could be heard, one of contempt for that system. This universal identity of opinion, therefore, was the only reason why the people thought it quite unnecessary to petition for what every one thought ought to be established. He also stated that he had understood the hon. member for Montreal (Hon. Mr. Young) in quite a different sense from that represented by some previous speakers, for he clearly understood him to say that due caution was to be used in selecting the ... seat of government as it was possible that a great union of all the B.N.A. Provinces might take place, and that the selection therefore should be made with reference to such an event as well as to the immediate wants of Canada. The House, by common consent, had eschewed saying anything of the troubles of 1849, and so would he. The House had, no doubt, borne its own share in those events, and perhaps he might say that he had also borne his; nor could he say, with the honorable member for Montmorenci, that he had entirely escaped on that occasion. The principal objections raised, as he could gather them from previous speakers, were that a revolution was to take place if the Seat of Government were made permanent, and this revolution was threatened on the part of the inhabitants of Lower Canada. Now he (Mr. F.) did not believe that the loyal gentlemen whose names filled columns upon columns of the Official Gazette of those days would turn rebels all at once because the Seat of Government might be rendered permanent. Neither did he believe that the Union would be broken up in that event, because the alternating system had no existence from the date of the Union until 1849; and, as no dissatisfaction had been expressed then, why should it now? They were told that a great benefit resulted from the present system, because it compelled Upper Canada members to come down to Lower Canada, and Lower Canada members to go to Upper Canada, and thus gentlemen would be enabled to get acquainted with the resources and manners of the two sections. Now he thought the best way for gentlemen to become acquainted with their own country, was to do what they would do as to any other, and travel over it quietly, leisurely, and observingly. And as to the surprise expressed by some honorable members from Upper Canada, that Quebec was not the limits of civilisation, nor so misplaced as they thought it was; it was within fifteen miles of the wilderness on the north; and the settlements between Three Rivers and Quebec along the whole length of the river did not extend over eighteen miles from the St. Lawrence, north.¹³⁷

MR. CAUCHON said Mr. F. was wrong. They were in some places twenty-four (sic) miles.¹³⁸

[MR. FERRES continued:] Well, that was only six miles more. He did not, however, wish to disparage the rich and prosperous country which stretched below Quebec for hundreds of miles on the south shore. It was also urged that, should Montreal be selected, there was no public property there adequate for the purpose; but the honorable gentleman who had said so seemed to forget that there was a large space of land there quite adapted to the purpose. And his honorable friend near him (Hon. Mr. Young) had just reminded him that the Government had lately acquired twenty-five acres¹³⁹ [OR] 15 acres¹⁴⁰ there within a quarter of a mile of the city, and more could be procured in a more fitting locality at a

reasonable rate. The disadvantages he had mentioned were those that had been urged against selecting a permanent place for the Government buildings. Now, the advantages were not a few. In the first place, we got rid of the useless expense and waste of money which characterised the present system. We should also save the officers of the House, and of every department of Government, from the cruel outlays forced upon them by the wandering system, and the no less cruel breaking up of social and family relations to which they were now subjected. He would also suggest to his fellow members from Lower Canada that now was the time for them to fix this question. This very night was the time to set it at rest; for, five years hence, when Upper Canada had increased, as it was now doing, in population and wealth, and, in the power which naturally follows energy and wealth, they would find that a permanent place would be selected, and that selection would not fix it in Lower Canada. He had no sympathy with the sentiments of the Honorable Postmaster General, (Mr. Spence,) that it would be well to wait until great events which he was predicting approached. Events might be approaching which he for one, had no desire to see accomplished, but he was content to legislate for the present, and for the future so far as it could be seen at this time, and let the future take care of itself. He therefore would vote against the amendment, and for the original motion.¹⁴¹

MR. PROV. SEC. CHAUVEAU spoke in favor of the alternate system.¹⁴²

MR. AT. GEN. DRUMMOND said this was not a village question--not one that affected a mere locality, but it was a great provincial question, and ought to be decided on public, not local grounds. He hoped, therefore, that hon. gentlemen, in approaching it, would discard local feelings. He was pained at the position taken by the hon. member for Renfrew. He had least expected that that hon. member, of all men in the House, would base an argument for continuing the alternating system on the probable dissolution of the union. Because it is probable the union will not last long, the hon. member for Renfrew told them they ought not to fix the site for the seat of Government! He repeated, he was pained and surprised at such a declaration from that hon. member. What could be more likely--what could tend more to bring about that result which he affected to deplore than such a line of argument? Mr. Drummond went on to speak at some length in this strain, condemning Mr. Hincks with great energy, and dilating on the advantages of the union. He then came to the alleged turbulence of Montreal, and denied that the riots that had taken place there could be considered the act of her citizens. They were only got up by comparatively few men, and a handful of police might have preserved order. Besides, rioting, in times of great excitement, was incidental to all great cities.¹⁴³ Every seat of government in the world was exposed to things of that sort.¹⁴⁴ Look at the Lord George Gordon riots,--there was nothing in Montreal so bad as them, yet they did not cause the flight of the Government. He (Mr. D.) had always held that it was a disgraceful and cowardly act, and touched the honor of the country, for the Government in 1849 to flee before a Montreal mob that did not number more than two hundred persons.¹⁴⁵ He did not shrink from alluding to those events. He did not shrink from going back to any portion of his political career. The government on that occasion had been exposed to reproaches for not having guarded against the events that took place, but he would repeat now what he had stated on a former occasion, that one hour before the house was attacked, the government had taken every precaution in its power.¹⁴⁶

MR. PRES. EX. COUN. MACNAB here rose, exhibiting much warmth, and called the Attorney General to order. He did not see what the riots in Montreal had

to do with the question before the House. (Loud opposition, ironical cries of hear, hear, and laughter.)¹⁴⁷

MR. AT. GEN. DRUMMOND thought he was quite in order when he was discussing this matter, in order to show that no reason existed in 1849 for the removal of the seat of government from Montreal.¹⁴⁸ He was not to be stopt in his argument by the interrogation of his Chief, however great was his respect for him. He continued to say, that he felt fully convinced, from investigations that he had since made, that the burning of the Parliament House in Montreal was a coup de main, on the spur of the moment, and not a premeditated act.¹⁴⁹

Hear, hear, from MR. FERRES.¹⁵⁰

MR. AT. GEN. DRUMMOND [continued:] He (Mr. D.) had no doubt of that fact. The mob that rushed down to the House acted on the spur of the excitement of the moment, and had no previous intention to burn it. The burning was the act of one or two men, and not of the whole mob. And when the vote to remove the Seat of Government from Montreal was carried, the minds of the members of the House were morally diseased--they were deranged with excitement. Had a little more time been left for reflection, that vote never would have been carried--had even sufficient notice of it been given it would not have been carried. As it was, only 34 voted for it and 29 against it; while one-fourth of the members of the House were absent, and among those absent there were sufficient members who opposed the proposition to have decided the vote in the negative. He mentioned the names of Messrs. Mongenais, Badgley, Scott (of Two Mountains,) Jobin and Hincks, as among those who would have voted against Mr. Sherwood's motion for removal from Montreal. If these gentlemen had been in their places the country would have been spared the disgrace and dishonor of the flight of the Government before a mob. Had the disturbance been worse than it was, it would have been the duty of the Government to have unfurled its flag among the thickest of it, and not have cowardly fled before it. The removal from Montreal was not made a Government question as it ought to have been. Had it been so made, however, the removal would never have taken place while he was in the Government. The Legislative Council passed strong resolutions against the removal, but they were disregarded. Here the hon. member read the resolutions of the Legislative Council.¹⁵¹ The seat of Government had been fixed at Montreal previously by a vote of the Legislature--not by a House of Assembly frightened out of their wits.¹⁵² As to the argument of faith being pledged to Toronto, he did not think there was anything in that. Any Act of one Parliament might be altered by another. Montreal had more right than Toronto had to complain of breach of faith.¹⁵³ The chief arguments for the alternating system no longer existed. In Quebec the flames had swept away the parliament buildings. In Toronto they were now made use of by a Railway Company.¹⁵⁴

MR. A. MORRISON (Simcoe) said that that was a mistake. They were in the hands of no Railway Company.¹⁵⁵

MR. AT. GEN. DRUMMOND said they might belong to the government, but they were devoted to other uses at the present moment. And besides they were not sufficient for the accommodation of the Legislature, as a proof of which he had only to recall the fact that in the last session but one, £60,000 had been voted for Parliament buildings in Toronto.¹⁵⁶ But fortunately it had not ... been expended and he would tell why--¹⁵⁷

MR. A. MORRISON, interrupting, said the hon. gentleman was not correct. £9,000 of the amount had been already expended¹⁵⁸ in Toronto¹⁵⁹.

MR. AT. GEN. DRUMMOND said that was for the procuring of plans, and they would answer for one place as well as another. He knew that not one stone had been laid.¹⁶⁰ It had been discovered that instead of the £60,000 voted, £170,000 would be required.¹⁶¹

MR. HINCKS.--No.¹⁶²

MR. AT. GEN. DRUMMOND got his figures from the head of the Public Works department.¹⁶³ Another £170,000 would be required in Quebec, and as much more would be the capital represented by the constant expenses of removal. Thus an expense of £600,000 would be entailed on the country by the continuance of the alternating system, instead of £200,000.¹⁶⁴ A splendid set of buildings might be erected in some fixed site.¹⁶⁵ He hoped that some one place would be selected, which would be acknowledged as the capital of Canada, and where they would erect Parliament and Government buildings worthy of the Province.¹⁶⁶ He had, he confessed, a strong feeling in favor of one place, and that was Bytown. He would build on the heights of Bytown buildings that would be a credit to the country. (Laughter.) The hon. member for Renfrew might laugh, but he did not laugh when he was in Bytown with him¹⁶⁷ some time ago ... on which occasion Mr. Hincks assured the people that if any permanent seat of government were selected, Bytown had the highest claims.¹⁶⁸ It was far inland, central, and on the line between Upper and Lower Canada. It might easily be rendered impregnable, and might be made a sort of neutral territory like the District of Columbia, and be a common ground of union between Upper and Lower Canada.¹⁶⁹ He considered the question of a union with the Lower Provinces was not likely to come up in a tangible shape for many years to come. He repudiated any weight being given to the prospect of that measure, as being even a change that was looming in the distance. As to a separation between Upper and Lower Canada, he thought the hon. member for Renfrew should have been the last man to have thrown a brand of discord into this house, by raising that question, which he (Mr. H.) had done more than any other man to settle for a quarter of a century to come, by the Representation and Franchise Acts of last session. The hon. member for Renfrew had done that work, but now by a few hasty words he had done very much indeed to overthrow all the effects of that legislation.¹⁷⁰ Mr. Drummond again reverted to his own position in the Government in relation to this question, and said that either in Montreal, Toronto, or Quebec, he would have tendered his resignation rather than that the system of ambulating Parliaments should be made a Ministerial measure.¹⁷¹

MR. HINCKS said the hon. and learned Attorney General had charged him with having thrown a brand of discord into the House. He (Mr. H.) liked to deal with questions of this sort in a plain common sense way, and not by mere declamations such as they had listened to during the last three quarters of an hour. (Hear, hear.) In dealing with this matter, he wished to ask the members of this House, all the members of this House, one or two questions. But, before asking those questions, he would say that he should be the last man in Upper Canada, he cared not who the other might be, who would be prepared to take that course which he thought would lead to a dissolution of the Union. But he asked the members from Upper Canada--he put it to them plainly and fairly--he did not see the hon. member for Lambton in his place who had thrown out taunts against him for the course he had pursued--but he put it to him and other members from Upper Canada to state candidly whether they were prepared to go on with the system of an equal representation of Upper and Lower Canada, when the population of Upper Canada should be double what it now was? (Cries of No! No! Question!) He knew they were not prepared for that. The question had been forced on him. Had it not been so, he would have been the last man in this House to have raised it.

And now he put it to the hon. Attorney General East, with whom he had acted for several years, whether he was prepared to give to Upper Canada, as her population increased, a proportionate increase of representation¹⁷² for he had always told him the contrary?¹⁷³ (Hear, hear.)¹⁷⁴

MR. AT. GEN. DRUMMOND.--No.¹⁷⁵

MR. HINCKS [continued:] Was it fair treatment then that he received in the speech just delivered by that hon. gentleman? (No! No!) He asked the Commissioner of Crown Lands¹⁷⁶. He would appeal to the hon. Chief Commissioner of Public Works, to say whether he would consent to it?¹⁷⁷

MR. COM. PUB. WORKS CHABOT.--No.¹⁷⁸

MR. HINCKS [continued:] He would ask the hon. Provincial Secretary to say, whether he would consent to it?¹⁷⁹

A general cry of no, no in the corner where the Lower Canada members of the government sat.¹⁸⁰

MR. HINCKS [continued:] So they had always told him, and when he knew at the same time what was the feeling of Upper Canada on the subject, was he not justified in all he had said on that point! (Loud cries of No! No! Yes! Yes!)¹⁸¹

No, No, from MR. BROWN.¹⁸²

MR. HINCKS [continued:] In a speech of mere declamation he might be charged with throwing a brand of discord into this House, but he felt that he was justified in all he had said, when he considered the almost unanimous feeling in Lower Canada against a continuance of the Union on the terms which he was warranted to believe by the manifestations of feeling just elicited would be demanded by the people of Upper Canada. If that was the case, he asked the members of this House to pause before they put themselves on a course which was based on the idea that the Union would be perpetual.¹⁸³ He contended that in such a state of the case, there would be no justification for selecting Montreal as the permanent seat of government.¹⁸⁴ Mr. Hincks then referred to the statements of the Attorney General that he had thrice tendered his resignation on the question of the Seat of Government. He did not think any attempt had ever been made to control that hon. gentleman's vote on that question. He might have said that he would not continue in the Government if it was not made an open question, but there was never any such crisis as was understood by tendering resignation. He also denied the Attorney General's statement that he (Mr. H.) had ever spoken favourably of the claims of Bytown as the seat of Government. The hon. gentleman's speech on that point was all Bunkum. If the question came up, perhaps the Attorney General might vote for Bytown, and he (Mr. Hincks) might vote for Bytown, and perhaps 8 or 10 others, and there would be an end of it. But no one seriously imagined for a moment, least of all the Attorney General, that the seat of Government was more likely to be fixed at Bytown than at Sault Ste Marie.¹⁸⁵ That was perfectly understood; and there was no use in talking about it. As to what the hon. Attorney General had attributed to him, when a dinner was given to him (Mr. H.) at Bytown, the hon. gentleman had, on that occasion, made just such a speech in favor of Bytown as he made now; but he (Mr. H.) had not endorsed what he said. The hon. Attorney General had himself voted for the £60,000 grant for public buildings at Toronto. He (Mr. H.) would vote for the amendment of the hon. member for Lambton. It postponed decision on the question, and carried out the arrangement which had been agreed to, and which good faith required (sic) should be kept.¹⁸⁶

MR. MERRITT also controverted some of the Attorney General's statements about his having thrice tendered his resignation on the question of the seat of Government.¹⁸⁷

MR. AT. GEN. DRUMMOND repeated that it was made an open question, on the occasion of the Seat of Government being transferred from Montreal, and afterwards on each occasion that it came up, he stated to his colleagues that if his opposition to their views was any impediment in their way, he would willingly resign.¹⁸⁸

(286)

Mr. Papin moved, seconded by Mr. Holton, and the Question being put, That the Debate be adjourned until To-morrow, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bowes, Brodeur, Brown, Bureau, Burton, Jean B. Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Frazer, Galt, Gill, Guévremont, Holton, Jobin, Labelle, Laporte, Lumsden, John S. Macdonald, Roderick McDonald, Masson, Mattice, Monjeais, Angus Morrison, Papin, Poulin, Powell, Prévost, Rhodes, Solicitor General Ross, James Ross, Somerville, Thibaudeau, Turcotte, Valois, Whitney, and Young.--(44.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cooke, Cook, Crawford, Crysler, Daly, Delong, Dionne, Fergusson, Ferres, Flint, Foley, Octave C. Fortier, Fournier, Freeman, Gamble, Gould, Hartman, Hincks, Jackson, Langton, Larwill, Lemieux, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Matheson, Merritt, Morin, Joseph C. Morrison, Munro, Niles, O'Farrell, Patrick, Polette, Pouliot, Rankin, Robinson, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Taché, Terrill, Wilson, Wright, and Yeilding.--(68.)

So it passed in the Negative.¹⁸⁹

MR. A. DORION (Montreal) said he was under the necessity of moving another adjournment. Gentlemen had risen three times on the other side of the House to make speeches, and now when other honorable members wished to reply, they endeavoured to stifle discussion by opposing a motion for adjournment at a quarter past midnight. He begged to move that the debate be adjourned till to-morrow, and be then the first order of the day.¹⁹⁰

MR. PRES. EX. COUN. MACNAB said when the previous motion to adjourn the debate was made, it was not given as a reason that some members still wanted to speak to the subject. He should not now oppose it.¹⁹¹

MR. CAUCHON opposed the adjournment of the debate, and insisted on having the yeas and nay[s] taken.¹⁹²

(286)

Mr. Antoine Aimé Dorion moved, seconded by Mr. Valois, and the Question being put, That the Debate be adjourned until To-morrow, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow:--

(286-287)

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Bowes, Brodeur, Brown, Bureau,
Burton, Chatot, Crysler, Daly, Charles Duast, John B. Duast, Dionne, Dorion,
DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General
Drummond, Dufresne, Ferres, Foley, Thomas Fortier, Fortier, Fraser, Green,
Galt, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Huot, Jobin, Labelle,
Laherge, Laporte, Lemieux, Loranger, Lussien, John S. Macdonald, Roderick
McDonald, Mackenzie, Sir A.N. MacNab, McCam, McKerill, Marenildon, Matheson,
Matheson, Mattice, Mongenais, Morin, Angus Morrison, Murray, Payton, Poirer,
Poulin, Powell, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross,
James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville,
Spence, Taché, Terrill, Thibault, Turcotte, Valois, Walters, Wicks, Wright,
Yeilding, and Young.--(84.)

(287)

NAYS.

Messieurs Bellingham, Riggan, Casault, Cauchon, Clapin, Clayton, Clifford,
Clarke, Cooke, Crawford, Fernusson, Gatav C. Fortier, Legrand, Macdonald,
O'Farrell, Pouliot, and Sidney Smith.--(17.)

So it was resolved in the Affirmative.

Then, on motion of Mr. Brown, seconded by Mr. Papin,
 The House adjourned.¹⁹³

APPENDIX: 7 NOVEMBER 1854.

[RULES OF THE HOUSE.]

MR. J.S. MACDONALD brought the matter up; and desired to know whether questions can be taken up out of their place, in the manner proposed this morning, and measures carried by surprise when the greater part of the members have gone home. The 88th rule bears upon the point, and Mr. Macdonald interprets it in a way different from the Speaker. The general tone of the remarks made was in opposition to the course proposed this morning; and there the subject dropped.¹⁹⁴

FOOTNOTES: 7 NOVEMBER 1854.

1. GLOBE, 17 November 1854.
2. IBID.
3. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
4. PILOT, 17 November 1854.
5. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
6. GLOBE, 17 November 1854.
7. TORONTO DAILY LEADER, 14 November 1854.
8. GLOBE, 17 November 1854.
9. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
10. GLOBE, 17 November 1854.
11. TORONTO DAILY LEADER, 14 November 1854.
12. GLOBE, 17 November 1854.
13. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
14. GLOBE, 17 November 1854.
15. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
16. GLOBE, 17 November 1854.
17. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
18. GLOBE, 17 November 1854.
19. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
20. GLOBE, 17 November 1854.
21. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
22. GLOBE, 17 November 1854.
23. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard). TORONTO DAILY LEADER, 14 November 1854, provides the following figures: In 1849 the expense was £8,168; in 1850, with rent of public buildings, £16,717; in 1851, the expenses of repairs, removal, &c., £29,239 9s. 5d.; in 1853 the purchase of Spencer Wood cost £5,446.
24. TORONTO DAILY LEADER, 14 November 1854.
25. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
26. TORONTO DAILY LEADER, 14 November 1854.
27. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
28. TORONTO DAILY LEADER, 14 November 1854.
29. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
30. TORONTO DAILY LEADER, 14 November 1854.
31. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
32. TORONTO DAILY LEADER, 14 November 1854.
33. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
34. TORONTO DAILY LEADER, 14 November 1854.
35. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
36. LE PAYS, 14 November 1854.
37. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
38. TORONTO DAILY LEADER, 14 November 1854.
39. GLOBE, 17 November 1854.
40. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
41. GLOBE, 17 November 1854.
42. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
43. LE PAYS, 14 November 1854.
44. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
45. LE PAYS, 14 November 1854.
46. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
47. IBID.

48. GLOBE, 17 November 1854.
49. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
50. GLOBE, 17 November 1854.
51. LE PAYS, 14 November 1854.
52. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
53. GLOBE, 17 November 1854.
54. TORONTO DAILY LEADER, 14 November 1854.
55. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
56. TORONTO DAILY LEADER, 14 November 1854.
57. GLOBE, 17 November 1854.
58. TORONTO DAILY LEADER, 14 November 1854.
59. GLOBE, 17 November 1854.
60. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
61. GLOBE, 17 November 1854.
62. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
63. GLOBE, 17 November 1854.
64. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
65. GLOBE, 17 November 1854.
66. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
67. GLOBE, 17 November 1854.
68. TORONTO DAILY LEADER, 14 November 1854.
69. GLOBE, 17 November 1854. To explain the discrepancy between the JOURNALS (1851) and GLOBE, 17 November 1854 (1853) TORONTO DAILY LEADER, 13 November 1854 mentions: "The arrangement entered into, in regard to the seat of government, in 1849 and renewed on two subsequent occasions, in 1851 and 1853."
70. TORONTO DAILY LEADER, 14 November 1854.
71. GLOBE, 17 November 1854.
72. IBID.
73. TORONTO DAILY LEADER, 14 November 1854.
74. IBID.
75. GLOBE, 17 November 1854.
76. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
77. TORONTO DAILY LEADER, 14 November 1854.
78. GLOBE, 17 November 1854.
79. IBID.
80. IBID.
81. TORONTO DAILY LEADER, 14 November 1854.
82. GLOBE, 17 November 1854.
83. IBID.
84. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
85. TORONTO DAILY LEADER, 14 November 1854.
86. GLOBE, 17 November 1854.
87. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
88. GLOBE, 17 November 1854.
89. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
90. GLOBE, 17 November 1854.
91. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
92. GLOBE, 17 November 1854. LE PAYS, 14 November 1854 refers "aux difficultés de 1847 et 1849".
93. TORONTO DAILY LEADER, 14 November 1854.
94. GLOBE, 17 November 1854.
95. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).

96. IBID.
97. GLOBE, 17 November 1854.
98. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
99. GLOBE, 17 November 1854.
100. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
101. IBID.
102. GLOBE, 17 November 1854.
103. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
104. LE PAYS, 14 November 1854.
105. GLOBE, 17 November 1854.
106. TORONTO DAILY LEADER, 14 November 1854.
107. GLOBE, 17 November 1854.
108. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
109. GLOBE, 17 November 1854.
110. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
111. TORONTO DAILY LEADER, 14 November 1854.
112. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
113. GLOBE, 17 November 1854.
114. TORONTO DAILY LEADER, 14 November 1854.
115. LE PAYS, 14 November 1854.
116. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
117. TORONTO DAILY LEADER, 14 November 1854.
118. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard) which also states that Mr. Loranger spoke "during the absence of the French reporter."
119. LE PAYS, 14 November 1854.
120. GLOBE, 17 November 1854.
121. TORONTO DAILY LEADER, 14 November 1854. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard) also states that Mr. Chabot spoke "during the absence of the French reporter."
122. LE PAYS, 14 November 1854.
123. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard) which also states that Mr. Papin spoke "during the absence of the French reporter."
124. LE PAYS, 14 November 1854. The ellipsis represents an illegible word.
125. GLOBE, 17 November 1854.
126. TORONTO DAILY LEADER, 14 November 1854.
127. GLOBE, 17 November 1854.
128. TORONTO DAILY LEADER, 14 November 1854.
129. GLOBE, 17 November 1854.
130. TORONTO DAILY LEADER, 14 November 1854.
131. GLOBE, 17 November 1854.
132. TORONTO DAILY LEADER, 14 November 1854.
133. IBID.
134. GLOBE, 17 November 1854.
135. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
136. TORONTO DAILY LEADER, 14 November 1854.
137. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
138. IBID.
139. IBID.
140. TORONTO DAILY LEADER, 14 November 1854.
141. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
142. TORONTO DAILY LEADER, 14 November 1854. Vide footnote 71.
143. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard). GLOBE, 17 November 1854 notes: "Mr. Drummond spoke on the question for upwards of an hour."

144. GLOBE, 17 November 1854.
145. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
146. GLOBE, 17 November 1854.
147. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
148. GLOBE, 17 November 1854.
149. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
150. IBID.
151. IBID.
152. TORONTO DAILY LEADER, 14 November 1854.
153. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
154. GLOBE, 17 November 1854.
155. IBID.
156. IBID.
157. TORONTO DAILY LEADER, 14 November 1854.
158. IBID.
159. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
160. IBID.
161. TORONTO DAILY LEADER, 14 November 1854.
162. IBID.
163. IBID.
164. GLOBE, 17 November 1854.
165. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
166. GLOBE, 17 November 1854.
167. TORONTO DAILY LEADER, 14 November 1854.
168. GLOBE, 17 November 1854.
169. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
170. GLOBE, 17 November 1854.
171. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard).
172. GLOBE, 17 November 1854. MONTREAL GAZETTE, 11 November 1854 (in Scrapbook Hansard) comments: "Mr. Hincks replied to Mr. Drummond with very great vehemence, gesticulating violently, and shouting out at the very top of his voice."
173. TORONTO DAILY LEADER, 14 November 1854.
174. GLOBE, 17 November 1854.
175. TORONTO DAILY LEADER, 14 November 1854.
176. GLOBE, 17 November 1854.
177. TORONTO DAILY LEADER, 14 November 1854.
178. IBID.
179. IBID.
180. IBID.
181. GLOBE, 17 November 1854.
182. TORONTO DAILY LEADER, 14 November 1854.
183. GLOBE, 17 November 1854.
184. TORONTO DAILY LEADER, 14 November 1854.
185. GLOBE, 17 November 1854.
186. TORONTO DAILY LEADER, 14 November 1854.
187. GLOBE, 17 November 1854.
188. IBID.
189. TORONTO DAILY LEADER, 14 November 1854, notes that this adjournment was moved at "quarter past twelve".
190. GLOBE, 17 November 1854.
191. TORONTO DAILY LEADER, 14 November 1854.

192. GLOBE, 17 November 1854.
193. TORONTO DAILY LEADER, 13 November 1854, notes that the House adjourned "about half-past twelve."
194. TORONTO DAILY LEADER, 13 November 1854. The matter referred to is the debate on bank charters that occurred on 6 November 1854 (our footnotes 88-95).

WEDNESDAY, 8 NOVEMBER 1854.

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MR. SPEAKER laid before the House, Statement of the Affairs of the Industry Village and Rawdon Railway Company, for 1853.

For the said Statement, see Appendix (F.F.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Holton,--The Petition of J.B. Revais and others, Sons of Temperance, and others.

By Mr. Gould,--The Petition of Z. Burnham and others, of the Township of Whitby, County of Ontario.

By Mr. Macbeth,--The Petition of the Reverend Duncan McMillan and others, of the Township of Aldborough, County of Elgin.

By the Honorable Mr. Young,--The Petition of the Ladies' Benevolent Society of Montreal.

By Mr. Casault,--The Petition of B.C.A. Gagy, Esquire, Seigneur of the Fiefs Grandpré, Grosbois, and Dumontier.

By Mr. Cooke,--The Petition of Michael Johnston and others, Sons of Temperance, and others.

By Mr. Darche,--The Petition of M. Lemonde and others, of the Parish of St. Jean Baptiste, County of Rouville.

By Mr. Matheson,--The Petition of the Reverend James Ferguson and others, of the Presbyterian Church of Kincardine.

By Mr. James Smith,--The Petition of Aaron Choatt and others, of Perrytown and vicinity, in the Township of Hope.

By Mr. Hartman,--The Petition of Eleonore D. Clarke and others, Mothers, Wives, and Daughters, of the Village of Bradford and vicinity, Township of West

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Gwillimbury; and the Petition of W.C. Adams and others, of the Township of West Gwillimbury.

By the Honorable Mr. Robinson,--Two Petitions of the Municipal Council of the County of Simcoe.

Pursuant to the Order of the day, the following Petitions were read:--

Of Patrick Rooney and others; praying the adoption of measures for the speedy settlement of the questions at issue between them and the Honorable James Ellice, Seigneur of Beauharnois.

Of Mrs. Christina Blackie, widow of the late Robert W.S. Mackay, of the City of Montreal; praying for a Pension, in consideration of the services and losses of her late husband in compiling and publishing the Canada Directory, and other works of similar nature.

Of William Gamble, on behalf of the President, Directors, and Company of the Humber Harbour and Road; praying for a renewal of the Charter of the said Company without the payment of the usual fee thereon.

Of the Reverend G.L.E. Duhaute and others, of the Townships of Wotton and South Ham; praying that free Patents may issue to Settlers on the Lands in the said Township, according to their original understanding with the Government.

Of Antoine Clair and others, of the Township of Durham; praying that such changes may be made in the tenure of certain Indian Lands in the said Township, as to facilitate the redemption thereof.

Of Louis Boivin and others, School Commissioners for the Town or Borough of William Henry; praying aid for the maintenance of two Educational Establishments in the said Town under the charge of the Christian Brothers and the Sisters of Charity.

Of the Reverend P.N. St. Aubin and others, School Commissioners of the Parish of St. Félix de Valois, County of Joliette; praying aid for a Model School in the said Parish.

Of Pierre Jean Mathon, late School Teacher; praying for aid in consideration of his long services and his present necessities.

Of David Trudel and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain; praying aid for the construction of a Bridge over the River Batiscan.

Of the Municipal Council of the County of Waterloo; praying for the repeal of the 8th Section of Territorial Divisions Act of Upper Canada, so as to release the said County from all liability or indebtedness to the late District or present County of Wellington for and on account of the Guelph and Dundas Road, and from any lien resulting therefrom.

Of James Young and others, proprietors and possessors of certain lots in the Township of Grenville, County of Argenteuil; praying for the repeal of the Act of last Session confirming the Survey of the 5th, 6th, 7th and 8th Ranges of the said Township, by J.J. Roney, Deputy Provincial Land Surveyor.

Of John Dewar and others; and of the Grand Division of Canada East of the ... Order of the Sons of Temperance; praying for the passing of an Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance of Canada East.

Of Dominick Do[c]herty and others; and of John Clauson and others, Sons of Temperance, and others; of Lochiel Division, No. 115; and of Hamilton Division, No. 25, both of the Order of the Sons of Temperance; of James Cahill and others, of the City of Hamilton; and of Edward Chalmers and others, of the Village of Smithville; praying for the passing of a Prohibitory Liquor Law.

Of James McIntosh and others, of the Township of Cornwall; praying that the

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Bill to define the boundary line between the fourth and fifth Concessions of the Township of Cornwall, may not pass into Law.

Of Donald Cameron, of Thorah; praying the adoption of certain measures to obtain for him and his followers, the issue of Deeds of Lands for which they have received Location Tickets.

Of the Reverend P.C. Dubé and others, of the Parish of St. Martin, County of Laval; praying for aid to improve the ascending Road of L'Abord à Plouffe leading to the Lachapelle Bridge.

Of A.W. Kendrick and others, of the Township of Compton; praying that the said Township may be detached from the County of Compton, and attached to the Electoral Town of Sherbrooke for Electoral, Municipal, and Registration purposes.

Of Joshua Foss and others, Trustees of the High School in the Township of Eaton; praying for aid in behalf of the said School.

Of the Clergy and Laity of the United Church of England and Ireland, of the Diocese of Toronto, assembled in Synod; praying for Separate Schools.

Of the Reverend F.H. Prévost and others, Commissioners of the Catholic Schools of the City of Montreal; praying aid for the establishment of a Model School in the said City.

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying for the complete and immediate secularization of the Clergy Reserves and Rectories.

Of George S. Wilkes and others; praying for an Act of incorporation under the name of the Great Southern Railway Company, for the construction of a Railway from Amherstburg to Toronto, to unite with the Grand Trunk Railway.

Of the Municipality of the Township of Dereham; of the Town Council of the Town of Dundas; and of the Town Council of the Town of Brantford; praying for the passing of an Act to incorporate the Great Southern Railway Company.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying for the repeal of the 9th Section of the Act 16 Vic. c. 181, which places certain restrictions on Municipalities in the support of indigent, infirm, or helpless persons.

Of Félix Proulx dit Clément and others, of the Parish of St. Raphael, County of Laval; praying for the passing of the Bill to repeal the Ordinance 3 & 4 Vic. c. 25, relating to Winter Roads in Lower Canada.

Of Medard Brisson and others, of the Parish of St. Rémi, County of Napierville; praying for aid, by way of a loan of money, to Farmers in the said Parish whose crops have been destroyed by fire.

Of Joseph Troie, junior, and others; praying for the abolition of the Seigniorial Tenure in Lower Canada.

Of J.M. Taggart, Reeve, and others, of the Township of Bedford, County of Frontenac; praying for the passing of an Act to confirm a certain Survey of part of the said Township made by Samuel M. Benson, Provincial Land Surveyor.

Of Mrs. Mary Ann Bankier and other Ladies; praying for aid in behalf of the Quebec Lower Town Infant School.

Of T.A. Young, of the City of Quebec, Esquire; praying payment of a certain amount, being arrears of Salary due him as Auditor General of Public Accounts of Lower Canada, from the 8th April, 1831, to the 22nd April, 1834.

Of the Mayor and Councillors of the City of Quebec; praying for the passing of an Act to authorize them to borrow the sum of Fifty thousand pounds to complete the drainage of said City.

Of Octave Cyrille Fortier, of the Parish of St. Gervais, Esquire, Physician, Representative of the County of Bellechasse in the present Parliament, duly elected and proclaimed as such Representative at the last Election of a Member

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to represent in Parliament the said County of Bellechasse; setting forth: That on the third day of November instant, to wit: in the year one thousand eight hundred and fifty-four, a Memorial or Petition was presented to the House on behalf of Télesphore Fournier, Esquire, Advocate, of the City of Quebec, in the District of Quebec, complaining of the Return and proclamation of the Petitioner as Member duly elected to represent the County of Bellechasse in the present Parliament, alleging, among other things, that he, the said Télesphore Fournier, was one of the Candidates at the late Election of a Member for the said County of Bellechasse, and that the Petitioner was also one of the Candidates at the said Election; that he the said Télesphore Fournier had the majority of votes at the close of the Polls, at the said Election, and that the apparent majority of the Petitioner is composed of votes fraudulently added by one or more of the friends and partizans of the Petitioner, after the close of the Polls; and praying that the Return for the said County of Bellechasse be amended by striking out therefrom the name of the Petitioner and substituting instead thereof the name of the said Télesphore Fournier:--That the Petitioner is the Representative of the said County of Bellechasse in the present Parliament; that he obtained the majority of votes at the said last Election of the said County, and that he has been duly proclaimed as such, and taken his Seat in Parliament:

--That the pretended Memorial or Petition of the said Télesphore Fournier is against the return of the Petitioner, and that the Petitioner is interested in opposing the aforesaid Memorial or Petition of the said Télesphore Fournier; that the said pretended Memorial or Petition of the said Télesphore Fournier is not signed by the hand and does not bear the signature of the said Télesphore Fournier, and that the signature "T. Fournier" at the foot of the said Memorial or Petition was not written by the said Télesphore Fournier, but that the said signature was affixed thereto by another person, and that the said name or signature "T. Fournier" at the foot thereof is in the hand-writing of some person other than the said Télesphore Fournier; and praying that the House will reject the Election Petition of the said Télesphore Fournier which was presented to the House on the third day of November instant, as aforesaid.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee having had under their consideration the Petition of William Power, Esquire, Commissioner appointed for the examination of Witnesses on the trial of the Contested Election of the County of Megantic, and also the Petition of Mr. M.A. Hearn, Clerk to the said Commission, praying compensation for their services, and having investigated the Accounts furnished, and examined evidence thereon, are of opinion, that the Accounts charged are in conformity with the Statute respecting the allowance to be made for Commissions issued in the case of Contested Elections, viz:--W. Power, One hundred and eighty-five pounds two shillings and one penny; and M.A. Hearn, One hundred and twenty-two pounds six shillings and five-pence halfpenny.

Your Committee, however, do not find that under the Act 14 & 15 Vic. c. 1, the Committee on Contingencies have the power to order the payment of the said Accounts, the Statute expressly providing, by Section 106, that the remuneration of Circuit or County Judges employed under the authority of the said Act, shall be paid out of the Consolidated Revenue, by Warrant, to be issued for that purpose.

Your Committee consider it their duty to bring under the notice of Your Honorable House, the fact that, as the Law now stands, the expenses attending Contested Elections may, as in the present case, devolve upon the Province, instead of being borne by the parties in the case.

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No provision appears to be made for cases similar to that under consideration (the Megantic Election), where the dissolution of the House of Assembly having taken place, has prevented the Election Committee from reporting, and consequently rendered it impossible to decide as to the party by whom the expenses attending the same, should be borne. The Commission issued, being under the authority of the House, would entail manifest injustice on the persons employed under it, if a dissolution were to deprive them of their just remuneration; at the same time it is evident, that as the Law now stands, they have no recourse against the late Sitting Member, or the Petitioner against him, and if not paid by the Province, they must lose the amount to which they are fairly entitled. Under these circumstances, Your Committee recommend to Your Honorable House, that an appropriation be made for the amounts claimed by the Petitioners, and at the same time call the attention of the House very strongly, to the necessity of making such amendments to the Election Law as will protect the Province from the necessity of paying the expenses attending Contested Elections in the case of a dissolution taking place before the Report of any Election Committee.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be taken into consideration on Monday next.

The Honorable Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Second Report of the said Committee; which was read.

For the said Report, see Appendix (F.F.)

Ordered, That the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Monday next, and be then the first Order of the day.

Ordered, That the Select Committee appointed to report on the best means of making public the information obtained by the Geological Survey, have leave to print the evidence received by them.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill to legalize certain transactions, and to alter the tenure of Indian Lands in the Township of Durham.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twenty-second day of November instant.

Ordered, That Mr. Alleyn have leave to bring in a Bill to authorize the City of Quebec to raise a Loan to consolidate their Debt.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Alleyn have leave to bring in a Bill to enable the Corporation of the Mayor and Councillors of the City of Quebec to borrow an additional sum for the construction of the Water Works.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine

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the matter of the Petition complaining of an undue Election and Return for the United Counties of Drummond and Arthabaska, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Joseph Elie Thibault, Esquire, Robert Brown Monerville, Esquire, Joseph Hilurion Jobin, Esquire, John Macpherson, Esquire; Chairman, John Wilson, Esquire.

The Honorable Mr. Merritt reported from the General Committee of Elections, the amended Panels.

Ordered, That Mr. Darche have leave to bring in a Bill to require Educational Institutions receiving aid from the Province to lay certain Returns before the Legislature yearly.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of MR. GAMBLE,¹

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Ordered, That the Law Clerk of this House, with such assistance as he may deem necessary, and which assistance he is hereby authorized to procure, do prepare an Index of the Statutes now in force in this Province, as full and complete and upon the same plan as that of the Revised Statutes of Canada West, which Index shall be made and finished in time to be printed with the Statutes that may be passed during the present Session, and shall be so printed and bound up with them.

Ordered, That Mr. Angus Morrison have leave to bring in a Bill to incorporate the International Exploring, Mining and Manufacturing Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Cauchon have leave to bring in a Bill to amend the Act of incorporation of the North Shore Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Felton have leave to bring in a Bill to amend the Act establishing a Bureau of Agriculture, and consolidating the Laws relating to Agriculture.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Southwick have leave to bring in a Bill to amend the Statute 16 Vic. c. 124, sec. 4.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Darche, seconded by Mr. Guévremont,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a Statement of the cost of the macadamized Road between Longueuil and Chambly, the revenue it produced, and the expense of maintaining it when under Government control; whether it has been sold or leased, and upon what terms; and

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also a Statement of any other transactions which may have taken place between the Government and the parties in possession of the Road.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Darche, seconded by Mr. Bourassa,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a Statement of the cost of the macadamized Road between Granby and the Bridge belonging to John Yule, Esquire; the annual revenue derived from, and the expense of maintaining this Road, when it was under Government control; whether the said Road has been sold or leased, to whom, and on what terms and conditions;

and whether the Government intend to repair the said Road, or cause it to be repaired and kept in good order by the proprietors or tenants, inasmuch as the public suffer great inconvenience from the bad state of the said Road.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Clerk of this House require from the Sheriffs of the several Counties in Upper Canada, and Districts in Lower Canada, a Return, in detail, shewing the number of persons committed to the Gaols under their care respectively, in each year of the last ten years ending 31st December, 1853, distinguishing the number committed on criminal charges, the number committed for misdemeanor, and on civil process; shewing also the number convicted of crime, distinguishing the crimes of which they have been convicted; and shewing also the number of males and the number of females in each class; also, a similar Return from the Police Magistrates of the several Cities and Towns in the Province, of the number of persons brought before them within the last five years, shewing the charges against them.

Ordered, That the Petition of William Wright and others, of the City of Quebec, be printed, with the names of the Petitioners, for the use of the Members of this House.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill for better securing the Independence of the Legislative Assembly.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Whitney have leave to bring in a Bill to amend the Act 14 & 15 Vic. c. 105, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein, to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to incorporate the University Lying-in Hospital in the City of Montreal.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The Order of the House of yesterday, for the attendance of Edmund Murney and Luther H. Holton, Esquires, in their places in this House this day, being read; and Mr. Murney and Mr. Holton attending in their places:

On motion of MR. J. SMITH,²

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Ordered, That the 84th Section of "The Election Petitions Act of 1851," be now read:--And the same being read;

Ordered, That Edmund Murney, Esquire, and Luther H. Holton, Esquire, being Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and not having been present within one hour after the time appointed for the meeting of the Committee yesterday, be taken into custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, That he had taken Edmund Murney, Esquire, into his custody.

Whereupon Mr. James Smith informed the House, that he was desired by Mr. Murney to state, That he mistook the hour at which the Megantic Election Committee was to meet yesterday, and therefore was too late, and regrets the inconvenience he had caused the parties by his absence; and the same having been verified upon oath by Mr. Murney.

Ordered, That Edmund Murney, Esquire, be discharged out of custody.

The Serjeant-at-Arms attending this House, informed the House, That he had taken Luther H. Holton, Esquire, into his custody.

Whereupon Mr. James Smith acquainted the House, that he was desired by Mr. Holton to state, That he was absent from the meeting of the Megantic Election Committee yesterday, by reason of having forgotten that the Committee had adjourned to meet at an earlier hour than usual, to wit, nine o'clock in the morning; and the same having been verified upon oath by Mr. Holton,

Ordered, That Luther H. Holton, Esquire, be discharged out of custody.

MR. PRES. EX. COUN. MACNAB said, he thought the manner in which the hon. gentlemen were excused, as a matter of course, for not attending to election committees, was trifling with the rights of the constituencies. The practice in England was different; and he now rose to give notice, that when another case of this kind came up, he should refer to the cases of the kind in England and the law on the subject.³ (Hear, hear.)⁴

MR. MURNEY.--The Premier is rather premature in giving us a lesson. It is folly for a Government to keep us here till half-past two or three o'clock in the morning, denying us the right of adjournment, and then expect us to be in Committees by nine on the following morning.⁵

MR. AT. GEN. J.A. MACDONALD wished to know whether the reason the hon. member had now given, or that which he had just sworn to, for being unable to attend was the true one?⁶ The hon. gentleman stated a little ago in his affidavit that he mistook the hour, now it appears he overslept himself. (Laughter.)⁷

MR. MURNEY (warmly).--How dare the Attorney General make that statement? I went into the Committee Room with my watch in my hand.⁸ He had not given two reasons for his absence from the committee, but had correctly sworn to the facts.⁹

MR. SOL. GEN. H. SMITH wished to repel the charge that the Government kept the House sitting till two or three o'clock. That was solely due to the factious opposition of a particular member, the hon. member for Hastings, (Mr. Murney.)¹⁰

MR. HINCKS thought it would be well to pos[t]pone those matters, until the hon. and gallant knight brought the subject before the House in the way he had promised to do. He could not help sympathizing with the hon. Gentleman, the member for Montreal, who was kept at the bar of the House during the whole of this discussion. (Hear, hear.)¹¹

MR. GAMBLE, amidst cries of Question, said the whole system by which such things were carried out was a trifling with common sense, and ... he hoped the time was not far distant when controverted elections would be decided in another way by a proper legal tribunal.¹²

Mr. Holton's affidavit was then read to the effect that he had forgotten the circumstance of the Committee's meeting¹³.

On the motion of MR. J. SMITH of Victoria, he was discharged from custody.¹⁴

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The Order of the day being read, for taking into further consideration the Question which was proposed on Monday last, That the Petition of Tel  sphore Fournier, of the City of Quebec, Esquire, a Candidate at the last Election of a Member to represent the County of Bellechasse in this present Parliament, complaining of the undue Election and Return of Octave C. Fortier, Esquire, to represent the said County, be not received;

Ordered, That the said Order of the day be postponed until To-morrow.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was on Tuesday last proposed to be made to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province;

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and which Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof;

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.

MR. J. DORION (Drummond) spoke in French¹⁵. Cette question a d  j     t   agi  t   plusieurs fois depuis l'Union. D'abord en 1843, tems auquel il fut transf  r      Montr  al. Personne ne s'est plaint qu'il   tait mal situ  . Tout le monde   tait satisfait et ce n'est qu'en 1849, apr  s les   v  nements p  nibles de ce tems que la question fut renouvel  e. Un bon nombre de membres   taient encore sous l'influence de la peur et d'autres qui   taient int  ress  s dans les deux extr  mit  s de la province. Il n'y avait que soixante repr  sentants de pr  sent lors du vote; or il manquait un quart de la repr  sentation et la majorit   ne fut que de quatre ou cinq voix.

Le pays se trouve aujourd'hui dans une singulière position. Le siège du gouvernement est transporté d'une partie de la province à l'autre tous les quatre ans et le pays exposé à tous les inconvénients d'un aussi absurde système.

Ceux qui alors s'opposaient au changement proposé avaient raison. Les événements sont venus établir la vérité de leurs prédictions. Il n'a jamais été rien fait de plus propre à rendre le gouvernement ridicule et dispendieux. Quel a été l'effet de ce changement? En 1849, le gouvernement avait alors dépensé £20,000 sur la propriété de Monklands à Montréal, résidence du gouverneur. Si le siège du gouvernement n'avait pas été changé, il aurait été facile de faire ériger les bâtisses nécessaires pour la Chambre et les bureaux du gouvernement pour £20,000 à £25,000.

Par le changement on a perdu d'un seul coup les £20,000 de Monklands et l'on a dépensé à Toronto et à Québec, ainsi que pour les frais de transport, l'énorme somme de £100,000. Eh bien! qu'a retiré le pays pour cette énorme somme? Rien! L'esprit de localité l'emportait aux dépens des intérêts généraux du pays, et il craint beaucoup que les deux extrémités du pays l'emportent sur le sens commun pour maintenir l'ordre de choses actuel.

Il est pénible pour les membres qui n'ont pas de localité à défendre dans la question, d'avoir à se prononcer sur un sujet qui lui paraît si clair et qui devrait être réglé en faveur de la permanence. Il veut que le siège du gouvernement soit permanent et il lui importe peu que ce soit dans une ville ou dans une autre, mais au nom du sens commun qu'il ne soit pas transporté de tems à autre comme il l'a été depuis 1849!

Il n'y a personne qui, en particulier, ne soit contre le système actuel d'ambulance, et la grande majorité des électeurs du pays ne voteraient jamais pour une semblable absurdité. Il sait bien que, s'il n'y avait que le côté ridicule de la chose, un grand nombre de représentans, au risque de passer pour ridicules, voteraient pour continuer le système actuel en faveur de leurs localités, sans égards à l'intérêt public.

Les membres du Bas-Canada devraient s'entendre pour voter afin de l'établir permanentement (sic) dans une place où il leur sera possible de se faire comprendre par la Chambre, par la presse et le public quand ils voudront parler. L'hon. membre pour Maskinongé en a dit assez sur ce sujet pour engager tous les membres du Bas-Canada à réfléchir deux fois avant de voter pour continuer ce qui existe.¹⁶

MR. MURNEY said the matter had been brought before the House by a member of the Administration, who moved a call of the House to take this question into serious consideration, but now they shrank from the responsibility of making it a close Cabinet question, as it ought to be.¹⁷ The House had been told by the hon. Solicitor General that it was a question of moment; by the Attorney General East, that it was a close cabinet one, and other members of the government had said, that it was an open question. Now he (Mr. M.) did not understand what they meant. The hon. Commissioner of Crown Lands had called upon the House to take the subject into consideration, and yet the administration said that it was an open question. It was most extraordinary. The hon. Attorney General's speech upon this question delivered the previous evening, he (Mr. M.) did not much admire¹⁸. First, because it was prosy, secondly, because it was too personal, and thirdly, because too many revelations of past Governments and past Administrations (sic) were given to the people of Canada. He admired only the

one part of it that the question of the seat of Government in a country like Canada, should be a close Cabinet question.¹⁹ The speech delivered by the hon. and gallant knight would not be satisfactory to the country.²⁰ The people of Canada would not be satisfied with the position of the Government last night.²¹ He (Mr. M.) would ask hon. members if they thought there was any unity in the administration, or any unanimity of feeling? There was none. Its materials were of a discordant description.²² There was the Solicitor General West giving his ironical cheers to the speech of the ... Attorney General East, and there was the Attorney General West anywhere else but in his seat.²³ There was his (Mr. M's) friend, whom he really did admire (the hon. Inspector General) also not in his seat, and if hon. members only recalled the proceedings in that debate, they were most extraordinary. If in politics, there was to be no integrity, he would like to know what the country was coming to. He condemned all parties connected with the last night's debate (hear! hear!) and there were certain revelations made which in his opinion, public men should never make. There was an attempt to bully, and put down hon. members, which in his (Mr. M.'s) opinion was contrary to all ideas of what a great government should be, in this country. The recriminations of the last evening, were much to be deprecated, and to conduct departments under the government, the latter must necessarily be composed of gentlemen.²⁴ The impertinence he had received this day--(order!)--he would recall the word, it was not Parliamentary, but he did not know what other word would suit the circumstances. In regard to the question before the Chair, he was of opinion that they should have a fixed seat of Government.²⁵ It was a delusion to think that hon. members could go from East to West, and North to South, carrying their documents with them and their families, and the fearful expences not only attending the government there, but all officials connected with it ought to be taken into serious consideration by hon. members. It did not matter to him where the permanent seat was fixed at. Although local feelings were most extravagant in their desires, yet he thought it was impossible to avoid their being brought to bear in considering this subject.²⁶ Being thoroughly Upper Canadian in feeling, he would like to see it in Upper Canada. In his opinion Upper Canada was to be the country, if they were ever to have a great nationality. In Western Canada they were prepared for everything and had everything, from the vineyard down to the hop-yard. (Laughter.) He went, therefore, for the seat of Government in Western Canada. He would of course prefer the place where he himself resided; but that was folly. Failing that give him Kingston. Failing Kingston give him Toronto. Failing Toronto, he would fall back upon Montreal, but he insisted that wherever they might settle, the present perambulatory system should cease.²⁷

MR. WILSON said he should vote for the amendment of the hon. member for Lambton, because he conceived that faith should be kept with Upper Canada. He also attached some importance to the argument founded on the instability of the Union. He, for one, was originally averse to that Union, but once consummated, he was willing to give it a fair trial.²⁸ He was in favour of assimilating the law of the two sections of the province, and he was glad to hear last night the Attorney General of L.C. declare his opinion in favor of the same view. He (Mr. W.) thought that such assimilations were possible, for the principles of law in all countries were the same.²⁹ He confessed, however, that he saw many little indications of its having that effect which he and others had expected from it. He had expected to see the laws of Lower Canada--the commercial laws and those affecting land, assimilated to those of Upper Canada, so that they might have had one harmonious system. But in this he had been disappointed.

He regretted that that assimilation had never been attempted, and he regretted to find on the Seigneur[i]al question, that the Attorney General had not availed himself of the opportunity, the first that had occurred, of doing away with the Feudal Tenure altogether, and assimilating the whole land tenure of Lower Canada to that of Upper Canada. He had expected from the Union also, that legislation would have been carried on more cheaply, and that the opinions of the inhabitants of the two sections of the Province would have become more assimilated, but there was no sign of that, not the least.³⁰ It was said, that there ought to be no moving about of the government; but he contended the moving ought to continue till some fair compromise was come to between Upper and Lower Canada.³¹ He regretted that the unfortunate circumstances which took place at Montreal in 1849 necessitated the removal of Parliament from that city.³² He held that the government was right, in removing from Montreal. In the neighboring States, they had often moved the seats of government from causes similar to those which existed in Montreal in 1849. He, perhaps, felt stronger on that subject than many other members of the House, and he should not trust himself to speak upon it; but he would never vote to take the government there again. He should support the motion of the hon. member for Lambton. He was not in favor of fixing the seat of government at present; in five years from the present time, the question might be less difficult to settle. He had sometimes had doubts about the continuance of the union; but he regretted the reference made to the subject last night by the hon. member for Renfrew.³³

MR. DUFRESNE spoke in English.³⁴ He was under the honest impression that all hon. members would shortly have to go to Upper Canada, where the French language was very little spoken; he thought that it was time for him to speak English (great laughter.)³⁵ (Hear hear.)³⁶ This question was one that the House had taken up at the wrong end. The motion proposed that the seat of Government should be established permanently at one place. The amendment of the hon. member of Lambton went to propose that the seat of Parliament should be alternate, as at present. Now, hon. members had all along been arguing upon the question of where the seat of government is to be placed, but they ought first to discuss the great question, shall the Parliament be established permanently at one place, or alternately in Lower Canada and Upper Canada. He (Mr. D.) thought that the seat of government ought to be established permanently in one place (hear, hear,) for the principal reason that it would be a great saving of expense to the Province, and he believed that if hon. gentlemen were to look at their own local interests, without consulting the general welfare of the Province, they might advocate the expediency of the House of Parliament being carried about like a menagerie (hear, hear, and laughter.) The hon. member for Maskinongé had suggested the previous evening that the members be carried about on the St. Lawrence in an ark. That was an ingenious plan, no doubt, but as he (Mr. D.) understood that propositions had already been made for the Parliament to meet in February next, it would be very hard for hon. members to have to be on the St. Lawrence in the ark from now until February (great laughter.) If hon. members looked only to local interest, he (Mr. D.) would propose another plan, which he thought would be acceptable to the House. He would propose that a railroad car should be built at Point Levi, to run upon the Grand Trunk Railway, called "The John Bull Car,"³⁷ (Hear, hear.)³⁸ which all the hon. members of the House should get into,³⁹ with the officers of the House,⁴⁰ with His Excellency the Governor General at their head (laughter,) and the car should be set in motion. They might thus proceed along the line and legislate, but not too fast; for as they would travel fast they must legislate slowly

(hear, hear.)⁴¹ [They would give] the whole country an opportunity of seeing how they conducted the business of legislation. Having gone to the end of the Grand Trunk Railroad, they might next take a round among the Yankee towns, where the people were⁴² very fond of seeing curiosities (laughter), [and give the Yankees] an opportunity to witness the Parliament; and hon. members might put any amount of money into their pockets that would be worth receiving from the Yankees for the gratification given to them⁴³. (Hear, hear and laughter.)⁴⁴ Now when hon. gentlemen advocated the principle of alternate Parliaments, he did not believe that they were serious (hear! hear!) Perhaps they advocated it in good faith. It was not his intention to question that however, but he questioned whether honble members had given such attention to the subject under consideration, as they ought to have done, & whether they looked to the general interests of the country or not. As to the arrangement that was made in Montreal, that the Parliaments should be held alternately in Upper and Lower Canada, he thought that the members of the House at that time, did not act according to their free will. He denied that the country was in favor of alternate Parliaments.⁴⁵ The alternating system, he thought was utterly absurd, and he would go for a permanent seat of Government wherever it might be placed. Had his confreres attended to the manner in which the hon. member for Hastings (Mr. Murney) had urged the claims of Western Canada? Had they heard him saying that Western Canada was the country and that its youth were superior in intelligence and everything else to the youth of every other country. Those of his (Mr. Dufresne's) friends who had sons growing up, he hoped would recollect these words.⁴⁶ He concluded by saying, that it was for the general interests of the country that a permanent seat of government should be fixed.⁴⁷

MR. HARTMAN said several of the gentlemen who had spoken had charged the supporters of the amendment with being influenced by local motives. But he observed that every one of the gentlemen who had opposed that amendment had let something drop to show that they were the advocates of either Montreal or Bytown.⁴⁸ If the continuance of the Union between those Provinces was a fixed fact, he would say they should settle at once in some permanent place, but the reasons which had been assigned during these debates why the Union could not continue to exist in its present form made it the duty of hon. gentlemen to pause before consenting to the expenditure of a large sum of money for the erection of one complete set of public buildings. His own opinion was that the union, instead of continuing within the present limits, would ultimately extend much further, and embrace the whole of the British Provinces in North America. (Hear, hear.) It would then be necessary to fix on one central seat of Government, as well as one for each Province, and for that reason, if for no other, he would oppose the choosing just now of any permanent seat of Government for United Canada.⁴⁹ If any fixed seat of government for Canada were to be selected the most central place should be chosen; and he looked upon Montreal as that place.⁵⁰ The hon. gentleman who had last spoken, had alluded to the remarks of the hon. member for Hastings (Mr. Murney.) Those remarks, as drawing a depreciating comparison between Upper and Lower Canada, he (Mr. H.) considered to be much out of place, in regard to the question before the House, he supported the amendment of the hon. member for Lambton, but thought that it might be made more clear and definite. He therefore moved that that amendment be amended by the addition of the words "and that in accordance with that arrangement the seat of Government should be removed to Toronto in 1855."⁵¹

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Mr. Hartman moved in amendment to the said proposed Amendment, seconded by Mr. Gamble, That the words "and that in accordance with that arrangement the Public Departments should be removed to Toronto in 1855" be added at the end thereof;

And a Debate arising thereupon;

MR. CAUCHON said that this amendment would spoil the agreement which hon. members had entered into with regard to the hon. member for Lambton's amendment the previous evening, this one being similar to the hon. member for L.'s amendment before it was altered. Those in favor of the actual system could scarcely vote for it. It was an insult to those who wished to support the present arrangement, and implied a doubt upon their sincerity.⁵² Il regarde l'amendement de M. Hartman, comme une insulte au Bas-Canada. Il regrette, que la question de l'Union ait été introduite quoiqu'il soit prêt à la discuter en temps et lieu. Il veut s'en tenir à l'arrangement de 1849 purement et simplement.⁵³

MR. LORANGER croit que le membre pour Montmorency voit déjà que sa conduite de la veille a été propre à mettre le Bas-Canada dans une fausse position. L'hon. membre et ses amis du district de Québec, en refusant la proposition qui leur a été faite d'une manière sérieuse, ont fait que le parlement ira à Toronto en 1855, qu'il y restera au moins jusqu'à 1859, et qu'il n'en reviendra peut-être jamais. Pourquoi ce monsieur s'oppose-t-il à l'amendement de M. Hartman? Cet amendement ne fait que mettre en opération l'arrangement auquel le membre pour Montmorency prétend vouloir s'en tenir? mais ce monsieur devrait inférer de ce qui eut lieu en 1851, qu'une fois le parlement établi à Toronto, les membres du Haut-Canada feront tout ce qui sera en leur pouvoir pour l'y garder. Ces messieurs Haut-Canadiens ont déjà montré qu'ils ne désirent pas maintenir le système alternatif, malgré les mots flatteurs et doucereux dont ils se servent aujourd'hui pour induire les membres du Bas-Canada à faire ce qu'ils ne voulaient pas faire eux-mêmes quand il s'est agi de descendre de Toronto à Québec. Il peut assurer les messieurs de Québec que les membres du district de Montréal n'agissent pas dans un esprit d'intérêt particulier, mais si ces messieurs s'obstinent à ce que le système alternatif continue, les membres de Montréal continueront à vouloir un siège permanent, et il s'en suivra que l'avantage sera perdu pour le Bas-Canada pour jamais.⁵⁴

MR. BOWES was sorry that the debate had taken such a local turn, but that local turn had been given to it by the hon. Attorney General for Canada East. The hon. gentleman had said he had advocated the union, in order to give Lower Canada a constitutional government. He had also said that he was opposed to the removal of the government from Montreal, that he was always opposed to the perambulating system. He (Mr. D.) had taken an hon. member to task for even hinting that Upper Canada might demand a representation commensurate with the population; and he had declared that he would not grant an increase of representation to Upper Canada even if the population should be twice that of Lower Canada. Did the hon. gentleman expect to perpetuate the union by such means as these? He (Mr. B.) would tell that hon. gentleman that he was taking the very course to break up the union; which would never be maintained on such principles. The hon. gentleman, who was Solicitor General in 1849, had characterized the removal as a cowardly act. He (Mr. B.) had no objection to the hon. gentleman branding his colleagues as cowardly; but he had a great objection to a proposal to break faith with Upper Canada. It was the duty of the hon. gentleman to study alike the interests of Upper and Lower Canada; and after the hon. and gallant knight

at the head of the Government had expressed himself favorable to keeping faith with Upper Canada; he (Mr. B.) thought it ill became any member of that Government, after such an expression by the Premier to oppose the carrying out of the existing arrangement. The hon. gentleman had introduced a bill to remove the Seigniorial Tenure, and while he was unfair to Upper Canada on this seat of government question, he expected the assistance of Upper Canada on this Seigniorial Tenure bill. He (Mr. B.) had made a calculation of the cost that would be incurred by that measure, and he found it would be £934,000. He was willing to give £500,000 for this purpose; but only on the understanding that faith was to be kept on the seat of government question. Why was it that nothing was heard against a permanent seat of government till just when the time approached for moving to Upper Canada? What would be thought by the people of Upper Canada if a permanent seat of government were now to be determined upon? What, but that the question had been predetermined, and that faith was never intended to be kept by the Lower Canadians.⁵⁵ If the Government were not now to go to Toronto, they would commit a breach of faith with that city,--when the Government had been there for four years it would then be time to consider at what place the permanent seat of Government should be.⁵⁶

MR. ROBINSON would follow the example of the hon. member for Toronto, and not detain the House with a long speech. He (Mr. R.) thought there was much force in the hon. member's argument, that not until a proposition was made for removing to Toronto according to agreement, was one word heard about a permanent seat of government. Such was indeed the case, but the hon. gentleman might have gone further, and told the House, how we in Toronto had been treated in this matter. Some two years ago, a large sum (£60,000) was voted for public buildings in Toronto. Surveys were made--plans and estimates at a great expense prepared, and promises from time to time given that the erection of the buildings should be immediately commenced. But up to this time nothing more had been done, not one stone had been placed upon another. He (Mr. R.) thought the people of Toronto and Upper Canada had first cause to complain of the conduct of the late government in this matter, who did nothing but amuse them--he could call it nothing else--with promises that have never been kept, and so far from the buildings being now even commenced, all that had been done was to erect a great ugly fence ten feet high around the grounds, for no use, but on the contrary to the great inconvenience of the inhabitants. In fact we had been trifled with--he could call it nothing else--and now said (Mr. R.) that the return to Toronto is mentioned, according to the well understood arrangement, hon. gentlemen were found who objected even to the carrying that out in good faith.⁵⁷ After the Parliament Buildings in Quebec were burnt, the government should have gone to Toronto. They were now occupying nearly one half of St. Lewis street at a rent of £3,000 a year, and to the great inconvenience of the people of Quebec. He trusted that the motion before the House would be carried.⁵⁸

MR. A. DORION (Montreal) said in French⁵⁹ [qu'il] regrette que sur une question de cette importance tout le monde parle en faveur des localités. Celui qui l'a fait plus directement est le membre pour Montmorency, qui a parlé comme s'il ne représentait pas le pays mais la ville de Québec. Il est vraiment drôle de voir ce membre s'associer avec le Commissaire des terres et le Secrétaire-provincial pour aider le membre pour Lambton à priver le Bas-Canada du siège du gouvernement. Ces messieurs disent qu'ils le font pour tenir parole; mais s'il peut faire voir qu'une majorité des membres Haut-Canadiens a voté contre Québec

quand il a été question de descendre ici, comment peuvent-ils s'attendre que les Haut-Canadiens tiendront parole après que le parlement sera encore chez eux? Eh bien! lorsqu'il s'est agi en 1851 de voter une somme de £150,000 pour réparer les édifices publics à Québec, une majorité Haut-Canadienne se déclara en faveur du système permanent. Quelle chance y a-t-il qu'à la fin des quatre ans, quand la population du Haut-Canada sera proportionnellement bien plus forte qu'elle ne l'est aujourd'hui, quelle chance y a-t-il que ces messieurs tiennent parole au Bas-Canada? c'est précisément ceux qui alors se prononçaient pour le système permanent qui aujourd'hui insistent le plus fortement à ce qu'on observe la promesse qu'ils prétendent avoir été faite. Mais voilà ce qui en est: alors le parlement était à Toronto, et aujourd'hui, il est à Québec. Le système permanent qui alors était bon est mauvais maintenant. En 1851, le membre pour Simcoe qui vient de parler en faveur du système alternatif, seconda la motion de M. Seymour pour empêcher qu'aucun octroi ne fut fait pour la construction d'édifices publics, à moins que le siège du gouvernement ne fut fixé d'une manière permanente. Il n'y a aucun précédent pour le système qu'on suit ici, si ce n'est celui qu'on a adopté dans le petit état du Connecticut, dont le territoire n'excède pas l'étendue de la moitié du district de Montréal, dont la population est peu considérable et où les deux capitales, Hartford et New Haven, ne sont qu'à douze lieues de distance l'une de l'autre.

Le membre pour London a dit que les capitales doivent être choisies loin des grands centres de population. Il n'est pas question de cela maintenant, mais seulement de le fixer d'une manière permanente. Il (M. D.) pense que le meilleur exemple qu'on peut citer pour prouver les inconvénients d'un gouvernement ambulant est celui de l'établissement du siège du gouvernement des Etats-Unis. Le Congrès siégeait d'abord à Philadelphie; les circonstances le forcèrent à se retirer à Princeton, puis à Annapolis; mais on trouva ce changement d'un lieu à un autre si incommode que lors de l'adoption de la constitution, on s'est déterminé à choisir une place permanente et dont le territoire ne serait soumis à la juridiction d'aucun des Etats en particulier.

Le membre pour Renfrew a glissé le nom de la ville de Montréal dans la discussion, dans le but assez évident d'empêcher que la décision de cette question n'ait lieu sur les mérites respectifs des systèmes permanent ou alternatif. Pour la même raison ce Monsieur a menacé cette chambre d'une dissolution prochaine de l'Union des provinces. Il (M. D.) pense qu'il est le dernier qui aurait dû amener ce sujet devant le pays. C'est ce Monsieur qui a établi les finances sur le pied où elles se trouvent, et il semble singulier de lui voir faire un avancé qui n'est propre qu'à ruiner le crédit du pays en Angleterre, où certainement personne n'aurait pensé à un tel événement si l'ex-Inspecteur-général ne l'avait pas prédit. Il (M. D.) répétera ce qu'il a dit il y a quelques jours, qu'il n'a pas été de ceux qui demandaient l'Union, mais les circonstances du pays sont bien changées depuis ce temps-là, car alors le Bas-Canada n'avait pas besoin de crédit, pendant qu'aujourd'hui il ne peut faire de progrès à moins que son crédit ne soit maintenu. Ici M. Dorion lit la division à Toronto en 1851, sur une motion pour déclarer que le siège du gouvernement devrait être fixé permanemment (sic), et montra que treize membres Haut-Canadiens votèrent pour cette motion et huit contre. Les dépenses annuelles du système alternatif montent à une somme annuelle de £25,000, ce qui représente un capital de pas moins de £400,000 seulement pour le transport des effets et des personnes de l'une à l'autre partie de la province. Il fit ici des extraits du rapport fait en l'année 1843, quand le parlement siégeait à Kingston, pour faire voir qu'alors les désavantages du système alternatif étaient si bien sentis

qu'on ne voulait pas même le soumettre comme partie de la question à être décidée. S'il y avait aucune raison valable pour le système actuel, cette raison serait tout aussi bonne pour faire siéger le parlement tour-à-tour dans chaque endroit, de Gaspé jusqu'au lac Supérieur. Le Commissaire des terres a envoyé les chambres en bas de Québec pour leur faire connaître le Saguenay, et dans la session prochaine il pourrait les envoyer aux ports du lac Erie dans un but semblable; cela serait moins dispendieux que de transporter le siège du gouvernement tous les quatre ans d'une partie de la province à l'autre. Le membre pour Montmorency a dit le soir précédent qu'il ne voterait pas pour l'amendement de M. Brown, s'il ne pensait pas que les membres du Haut-Canada de leur côté tiendraient parole, mais ce Monsieur doit être fort crédule s'il le croit encore après la division qu'il (M. Dorion) vient de lire; il est évident que les membres du Haut-Canada ne votent pour le système alternatif qu'avec une arrière-pensée, et ceux qui connaissent la promptitude du membre pour Renfrew à se décider sur tout sujet, doivent savoir que s'il n'avait pas été convaincu des inconvénients du système actuel il n'aurait pas exprimé des doutes comme il l'a fait, sur la permanence du système. Un mot qui est tombé de la bouche du maître de poste avait pour lui autant de signification. Le maître de poste a dit que c'était un tems inopportun pour l'agitation de cette question; sans doute qu'un moment plus opportun viendra quand le gouvernement sera transporté à Toronto.

Quant à lui (M. Dorion) il voulait fixer le siège du gouvernement et si quelqu'un voulait essayer sa sincérité, il voterait pour aucune place plutôt que de continuer le système alternatif. Montréal a été traité avec beaucoup d'injustice, mais elle l'a supporté avec dignité, car elle peut bien prospérer sans autre avantage que celui qu'elle trouve dans l'énergie et l'entreprise de ses citoyens. Jamais la propriété de cette ville n'avait été à un plus haut prix; et la population ne s'est jamais augmentée davantage que depuis 1849. C'est un[e] erreur de penser que le siège du gouvernement est un très grand avantage pour une ville. Il ne voudrait pas comparer la ville d'Albany avec celle de New York, il ne peut y avoir de comparaison; mais il compare Albany avec Troy, et il voit que cette dernière ville s'est augmentée bien plus vite que l'autre, quoiqu'elle n'eût pas le siège du gouvernement, ni plus d'avantages naturels. De même avec la ville de Washington qui, certes, n'a pas fait autant de progrès que bien d'autres villes, qui n'ont pas eu le Congrès siégeant dans leur enceinte. Il finit par dire qu'il voterait pour la motion quand même ce vote devrait fixer le siège du gouvernement d'une manière permanente ailleurs qu'à Montréal, et il croit qu'en principe chacun doit en agir ainsi. Cependant si le principe (*sic*) contraire doit prévaloir et que le système alternatif doit être continué, il ne voit rien de mal dans la proposition du membre pour York Nord.⁶⁰

MR. COM. CR. LANDS MORIN [spoke] in French⁶¹. Ayant accepté l'Union [il] accepte ce système alternatif comme une des conditions indispensables de cette Union. Il ne croit pas que le Bas-Canada puisse toujours posséder le siège du gouvernement, et il serait satisfait de l'avoir pendant la moitié du tems.⁶² The sentiments of the hon. member for Renfrew, on which so much remark had been made, were those of a real statesman.⁶³ Il ne pense pas que ce monsieur les ait faites dans le but de dissoudre l'Union, mais plutôt dans le but de prémunir la Chambre contre le danger de mesures qui amèneraient ce résultat.⁶⁴ He should vote for the amendment⁶⁵. Il ne voit pas d'objection à la proposition du membre pour York Nord, puisque cela ne tend qu'à faire valoir l'arrangement existant entre les deux sections de la province.⁶⁶ He thought the hon. member for Montmorenci must not have understood it.⁶⁷

MR. TURCOTTE [spoke] in French⁶⁸. [Il] dit que si ce système est une des conditions nécessaires de l'Union, le plus tôt cette Union sera dissoute le mieux sera, car alors il faut que la langue française soit anéantie. Il n'espère pas faire entendre sa voix à Toronto à moins que ce ne soit pour la dissolution de l'Union. Le membre pour Renfrew d'après lui a très mal agi en jetant le brandon de la discorde dans l'enceinte de la Chambre. On ne peut dire quel degré de Machiavélisme se trouve caché sous les paroles de ce monsieur. Mais pour lui, il pense que son but n'est autre chose que d'embarrasser son successeur. Il désire maintenant faire comprendre aux citoyens de Québec toute la vérité. Ils doivent savoir que les membres pour Montréal ont invité les membres du district de Québec à voter pour un siège du gouvernement permanent, en leur promettant de donner leurs votes pour la ville de Québec; et les membres du district de Québec s'y sont refusés. (Non! non!) Très bien, il les invite donc maintenant. Le membre pour Montmorency a fait un discours très chaleureux,--ce qu'on appelle en anglais indignation speech contre l'amendement du membre pour York Nord. Néanmoins ce membre votera pour cet amendement, car le Commissaire des Terres de la Couronne est venu en aide au membre pour York Nord, en disant que le membre pour Montmorency s'est trompé par rapport à la partie de l'amendement. La chose lui semble impossible; ceux qui font queue au membre pour Montmorency auraient pu se tromper, mais on ne peut supposer cela chez un chef de parti comme lui. Il votera contre l'amendement du membre pour York Nord, et aussi contre celui du membre pour Lambton, mais il l'aurait fait avec plus de plaisir s'il eût pu s'accorder avec les membres du district de Québec. Les membres de Montréal et les membres de Trois-Rivières ont montré leur sincérité, mais il semble que les membres de Québec se croient liés par un engagement que les membres du Haut-Canada n'ont point respecté. Ces messieurs-là ont mis de côté cet engagement; mais les membres du Bas-Canada sont si scrupuleux qu'ils n'oseraient se départir d'obligations absurdes. Un engagement doit-il durer pour jamais? Le parlement n'a-t-il pas été à Toronto, et n'a-t-il pas été depuis à Québec? Eh bien! l'engagement est rempli; que cela finisse! Il répète encore que les Bas-Canadiens ne pourront parler leur langue maternelle à Toronto, pendant que les Haut-Canadiens sont chez eux à Montréal ou à Québec. D'ailleurs Toronto est le foyer même de l'orangisme où les catholiques ne peuvent sortir de chez eux le soir sans être insultés. Il finit en disant qu'aller à Toronto c'est vendre la patrie et la langue de nos pères.⁶⁹

MR. THIBAUDEAU [spoke] in French⁷⁰. [Il] était disposé à voter pour l'amendement du membre pour Lambton, jusqu'à ce qu'il eut entendu parler le Commissaire des Terres. Mais ce monsieur a donné pour raison que le système alternatif est une condition de l'Union, il votera contre, parce qu'il ne veut pas de l'Union. Il a foi dans les déclarations des membres du district de Montréal; il croit que lorsque ces messieurs ont donné leur parole de voter pour Québec aussitôt que la proposition tendant à établir la permanence du siège du gouvernement serait affirmée, personne n'a le droit de scruter leurs motifs et de leur supposer des arrières pensées.

Il avait promis deux choses à ses électeurs: la première, c'était de ne consentir à aucune alliance avec les tories, (on rit) et la seconde de conserver à Québec le siège du gouvernement. Et il croyait avoir tenu parole malgré qu'il donnât généralement son appui à la présente administration, attendu que ce sont les tories qui se sont convertis et sont passés dans le camp libéral. Quant à la seconde de ses promesses il croyait prendre le moyen le plus propre à la remplir en votant contre l'amendement du membre pour Lambton et pour la

permanence du siège du gouvernement, car il était persuadé que si le parlement remontait à Toronto, il n'en descendrait jamais.⁷¹ He concluded by moving, at ten o'clock, an adjournment of the debate, till to-morrow.⁷²

MR. PAPIN fait remarquer le spectacle extraordinaire que présentait le rapprochement d'hommes à bons principes comme MM. Morin et Cauchon avec un homme comme le membre pour Lambton qui voulait détruire toutes les institutions du pays. Le membre pour Chicoutimi vient de dire, ce soir, que le système alternatif est une des conditions de l'Union; pourtant ce monsieur n'a pas toujours pensé de même, parce que quand il faisait partie du ministère Baldwin-Lafontaine en 1853, il a soutenu que le siège du gouvernement devait être fixe. Le Commissaire de terres n'a donné aucune raison pour ce changement sur un principe d'une telle importance; et il (M. P.) ne peut laisser passer un incident aussi remarquable des débats, sans y attirer l'attention de la chambre.⁷³

MR. BELLINGHAM said if there were any contract entered into to take the seat of Government to Toronto he should be the last man to give a vote to break it; but there was no such contract. He could not find any thing in the votes of previous Parliaments to bind this House; and in 1849 he found that the removal from Montreal was only carried by a bare majority of five, and that in a House of only two thirds of the members.⁷⁴ He did not think such a majority could bind this House, in which there were fifty new members.⁷⁵ It was very evident that the vast and fertile regions of the West must ultimately become the home of a vast population, and it was quite impossible that the seat of Government for the whole of Canada could then remain at Quebec. On the other hand⁷⁶ he thought with Mr. Merritt that⁷⁷ they could not avoid entertaining the idea that the whole of the British North American Provinces would in course of time form one confederation. Such a Union would greatly strengthen their credit in Europe, to judge from the effect which the Union of Upper and Lower Canada had had in raising the Provincial credit. Things being in a transition state, it was impossible just now to decide where the future seat of Government might be.⁷⁸ If we selected a permanent seat of government, it was true that the force of circumstances might oblige us to change; still in view of the expense of the present system, he would vote against its continuance.⁷⁹ He then went on to speak at some length in favor of the claims of Bytown.⁸⁰

MR. MACKENZIE referred to objections that had been urged by Lower Canadians to the seat of government being in Upper Canada; objections which he said must arise from a notion of the superior wisdom of the smaller population of Lower Canada. The Imperial Bill which permitted this Legislature to place the Legislative Council on the basis of election, also gave power to base the representation on population; and he asked Lower Canadians whether they thought Upper Canada would remain contented with an equal number of representatives.⁸¹ He said that Mr. Hincks' speech was solely intended to give him popularity in Upper Canada, and to obtain that, he said before many years Upper Canada people would not be satisfied with anything less than representation based on population. Some years ago Mr. Morin held the same views and when Lower Canada had the largest population he cried out for representation based on population, but now he saw that the tide of population had set in towards Upper Canada he put his old principle in his pocket and cried out "Oh, if you attempt to base your representation on population you'll have revolution and bloodshed". That is your specimen of a politician.⁸² Bytown was certainly a wonderful place; and if he could be convinced that there was any permanency (sic) in the union, he would vote for going there permanently; but, in the present unsettled state of things,

he must give a vote for the perambulating system, which he would not like permanently continued.⁸³ [He] thought the present system ridiculous, but was of opinion that under present circumstances it should be continued for four years longer, by Parliament returning for that period to Toronto. He would therefore vote with pleasure for the amendment of the hon. member for Lambton, along with the hon. member for Renfrew and the gallant knight at the head of the Government. He considered however, that it was of very little consequence what vote they came to, as in this country under the present system the country was ruled by the Executive Government, and Representative Institutions were nothing but a delusion. A large sum of money had been voted in last Parliament for Government buildings at Toronto, but the Government had not paid the least attention to the will of the Legislature as then expressed.⁸⁴ It was not necessary that a seat of government should be in a central place. Paris was not the centre of France, Edinburgh of Scotland, nor London of England; and if he saw any reason for the great part of the population having business to bring them to Quebec, he would have no objection to remaining here. In 1819, Montreal advocated annexation, but since then they had succeeded in borrowing money, and this cry for annexation was hushed; but it would be heard again when hard times came. A fixed seat of government was essential in any free country. Montreal, where the mob acted like Goths and Vandals in 1849, was not a fit place to go to. In Toronto there was not a single disturbance from the day the government came, to that on which it went away. He found Lower Canadians ready to break faith on this question; and when this was the case, there could be no permanency (sic) in the union.⁸⁵

MR. J. SMITH (Victoria) was in favour of the present arrangement being carried out, and as the most simple way of arriving at that result, he begged to move the previous question.

MR. SICOTTE the SPEAKER decided that this motion was out of order, as it clashed with an amendment previously moved, having substantially the same effect.⁸⁷ Pour maintenir sa décision, il rélère (sic) aux règles et aux usages suivis dans le Parlement Impérial.⁸⁸

MR. J. SMITH accordingly withdrew his motion.⁸⁹

MR. MARCHILDON expressed himself as favourable to a permanent seat of Government being chosen.⁹⁰

MR. LORANGER then moved that the Debate be adjourned till to-morrow.⁹¹

MR. PRES. EX. COUN. MACNAB said that almost every member of the House in the habit of speaking had spoken on this question more than once already, and he could not, therefore, see the propriety of again adjourning the debate.⁹² Hon. members should now vote.⁹³

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YEAS.

Lebontillier, Lemieux, Loranger, John B. Macdonald, Roderick McDonald, Melinn, Marchildon, Masson, Mattice, Meagher, Monjénais, Murney, Payin, Patrik, Polette, Poulin, Pouliot, Powell, Prévost, Rankin, Rhodes, Solicitor General Ross, Sanborn, Shaw, Somerville, Taché, Thibaudeau, Turzotte, Valois, Wilder, Yeilding, and Young.--(66.)

NAYS.

Messieurs Aikins, Bell, Biggar, Blanchet, Bowes, Brown, Burton, Casault, Cayley, Chabot, Chisholm, Church, Clark, Cook, Cranford, Crysler, De, DeLong, Fergusson, Flint, Foley, Frazer, Fresman, Gamble, Goull, Hartman, Hincks, Jackson, Langton, Lunsden, Macbeth, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McKerlie, Matheson, Marritt, Morin, Joseph S. Morrison, Angus Morrison, Munro, Niles, O'Farrell, Robinson, Hollin, James Ross, Seatcherd, Solicitor General Smith, Sidney Smith, James Smith, Southerland, Spence, Stevenson, Wilson, and Wright.--(55.)

So it was resolved in the Affirmative.⁹⁴

Then, on motion of Mr. Masson, seconded by Mr. Desaulniers,
The House adjourned.

[QUESTION AND ANSWER RE: GRAND RIVER NAVIGATION.]

MR. MCKERLIE [asked a question.]⁹⁵

MR. COM. PUB. WORKS CHABOT said, ... that the Government intended to assume possession and control of the navigation of the Grand River.⁹⁶

[WITHDRAWN MOTION: FOR COMMITTEE TO INQUIRE INTO CONDUCT OF BRANT COUNTY OFFICIALS.]

MR. MCKERLIE moved for a Committee of five members to enquire into the conduct of the Sheriff of the County of Brant, the Collector of Customs for the Village of Paris, and the Postmaster of the Town of Brantford, immediately previous and during the last Election for the East Riding of the county of Brant, so far as such conduct was calculated wrongfully to influence said election. Mr. McKerlie said he moved for this Committee in order that the charges against those officials might be investigated, and if they were proved to be true, the country might be taught how dangerous it was for Government officials to use their official capacity for the purpose of unduly influencing elections. (Hear, hear.) If Government officials were allowed to make use of their official capacity, and to make use of the knowledge they acquired in their official capacity, to influence elections, there could be no freedom of elections in this country. (Hear, hear.) He could state from his own personal knowledge that the Postmaster was on the hustings speaking strongly in favour of one of the Candidates. This might be considered a small offence, but if he mistook not, the gentleman now representing Mississquoi, (Mr. Ferres) was a few years ago dismissed from a public office although no other charge was brought against him than that he had been on a hustings endeavouring to influence the electors to vote for one particular Candidate.⁹⁷ The postmaster he believed was at one of the polls, using his influence in favor of one of the candidates.⁹⁸ There were other charges brought by public report against the gentlemen named in his motion, that letters had been retained in the Post Office of Brantford⁹⁹--he did not say with the knowledge of the postmaster--¹⁰⁰ which if received at the proper time, would have materially influenced the election, and that the Sheriff had instructed the Bailiff to go about with executions in his pocket, and to tell the people that unless they voted for a particular candidate, their effects would be sold at a Sheriff's sale. He conceived that measures should be taken to put a stop to such conduct, if those charges were true, in all time to come.¹⁰¹ There were no charges of interference against the collector.¹⁰²

MR. PRES. EX. COUN. MACNAB said that a Committee was already sitting on the Brant election, and he objected to the hon. member being permitted to forestal the judgment of that Committee, or getting another Committee appointed to consider charges brought forward by himself¹⁰³ in the absence of any petition from any elector. The hon. gentleman's seat was contested; and if he had any evidence on the subject he ought to refer it to the election committee.¹⁰⁴

MR. MCKERLIE expressed his readiness to withdraw his motion, since the Government did not seem inclined to grant a special Committee.¹⁰⁵

MR. FOLEY could not allow the motion to be withdrawn, without saying a word in favor of the parties referred to in the motion. So far from the Sheriff and the other officials having interfered in the election he knew that they refused to take any part.¹⁰⁶ The Sheriff of Brant, who was returning officer, refused,

though asked, to give a vote for the candidate opposed to Mr. McKerlie, although that vote would have made the numbers on either side even, and his casting vote as returning officer would then have had the effect of returning Mr. Christie. As to the charge against the Postmaster retaining letters, he believed that no man in the Province was less liable to such a charge, for a more honourable man did not exist in the country.¹⁰⁷ The collector of customs was spoken of in the motion; but there was no collector of customs in Brant. If the gentleman who received the government dues at Paris was meant, he (Mr. F.) felt certain that the charge against him was not true.¹⁰⁸ He could never have been guilty of the disreputable conduct charged against him. Before asking an enquiry, the hon. member should at least have made out a prima facie case. This he had not done, but had merely stated, that so and so was reported to be the case.¹⁰⁹

MR. DALY said he was not aware that his name was to be used as a seconder of the motion, and he asked the permission of the House to withdraw his name.¹¹⁰

MR. J.S. MACDONALD (Glengary) apprehended (sic) that his hon. friend from Brant had not taken the right course. He should have laid his complaints before the Government, and if they were not enquired into, he might then have brought them (sic) before the House.¹¹¹

MR. AT. GEN. J.A. MACDONALD (Kingston) took the same view of the case, and attempted to draw a parallel, between it and the Lambton case, which was before the House a week or two ago.¹¹²

MR. BROWN said there was this essential difference between the case of Sarnia and that of Brant, that a member of the Administration was personally concerned in the one case, and not in the other, and besides he (Mr. Brown) had stated that he was prepared to prove every charge which he advanced, something which the hon. member for Brant had not undertaken to do. (Hear, hear.) The Sarnia case was one peculiarly affecting the privileges of Parliament, and a Committee should have been granted, to enquire into it without the least hesitation. (Hear, hear.)¹¹³

MR. POST GEN. SPENCE said if there were any charge against the postmaster it ought to be made in a proper quarter; but no charge of that kind had been made. No more unfortunate charge could be made than that now brought against the three gentlemen, who were all persons of the highest respectability in the county of Brant¹¹⁴ and he considered it would be injurious to the service, if on the mere suspicion of the detention of a letter, a Committee of this House should be appointed.¹¹⁵ He (Mr. S.) had had the honor of the acquaintance of the Postmaster for years, and no more respectable or upright man existed. If any charge had been or were to be made to the Post Office Department it would be attended to, but if such matters as this were to be referred to committees the whole time of the House would be taken up with them.¹¹⁶

The motion was then withdrawn.¹¹⁷

FOOTNOTES: 8 NOVEMBER 1854.

1. GLOBE, 17 November 1854.
2. TORONTO DAILY LEADER, 15 November 1854.
3. TORONTO DAILY LEADER, 15 November 1854. GLOBE, 17 November 1854, notes that the discussion occurred while Mr. Holton "stood at the bar awaiting judgment".
4. GLOBE, 17 November 1854.
5. IBID.
6. TORONTO DAILY LEADER, 15 November 1854.
7. GLOBE, 17 November 1854.
8. IBID.
9. TORONTO DAILY LEADER, 15 November 1854.
10. GLOBE, 17 November 1854.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. MORNING CHRONICLE, 11 November 1854.
16. LE PAYS, 18 November 1854.
17. GLOBE, 17 November 1854.
18. MORNING CHRONICLE, 11 November 1854.
19. GLOBE, 17 November 1854.
20. MORNING CHRONICLE, 11 November 1854.
21. GLOBE, 17 November 1854.
22. MORNING CHRONICLE, 11 November 1854.
23. GLOBE, 17 November 1854.
24. MORNING CHRONICLE, 11 November 1854.
25. GLOBE, 17 November 1854.
26. MORNING CHRONICLE, 11 November 1854.
27. GLOBE, 17 November 1854.
28. IBID.
29. MORNING CHRONICLE, 11 November 1854.
30. GLOBE, 17 November 1854.
31. TORONTO DAILY LEADER, 15 November 1854.
32. MORNING CHRONICLE, 11 November 1854.
33. TORONTO DAILY LEADER, 15 November 1854.
34. GLOBE, 17 November 1854.
35. MORNING CHRONICLE, 11 November 1854.
36. GLOBE, 17 November 1854.
37. MORNING CHRONICLE, 11 November 1854.
38. GLOBE, 17 November 1854.
39. MORNING CHRONICLE, 11 November 1854.
40. GLOBE, 17 November 1854.
41. MORNING CHRONICLE, 11 November 1854.
42. GLOBE, 17 November 1854.
43. MORNING CHRONICLE, 11 November 1854.
44. GLOBE, 17 November 1854.
45. MORNING CHRONICLE, 11 November 1854.
46. GLOBE, 17 November 1854.
47. MORNING CHRONICLE, 11 November 1854.
48. TORONTO DAILY LEADER, 15 November 1854.

49. GLOBE, 17 November 1854.
50. TORONTO DAILY LEADER, 15 November 1854.
51. GLOBE, 17 November 1854.
52. MORNING CHRONICLE, 11 November 1854.
53. LE PAYS, 18 November 1854.
54. IBID.
55. TORONTO DAILY LEADER, 15 November 1854.
56. MORNING CHRONICLE, 11 November 1854.
57. TORONTO DAILY LEADER, 15 November 1854.
58. MORNING CHRONICLE, 11 November 1854.
59. IBID.
60. LE PAYS, 18 November 1854.
61. TORONTO DAILY LEADER, 15 November 1854.
62. LE PAYS, 18 November 1854.
63. TORONTO DAILY LEADER, 15 November 1854.
64. LE PAYS, 18 November 1854.
65. MORNING CHRONICLE, 11 November 1854.
66. LE PAYS, 18 November 1854.
67. MORNING CHRONICLE, 11 November 1854.
68. TORONTO DAILY LEADER, 15 November 1854.
69. LE PAYS, 18 November 1854.
70. TORONTO DAILY LEADER, 15 November 1854.
71. LE PAYS, 18 November 1854.
72. TORONTO DAILY LEADER, 15 November 1854.
73. LE PAYS, 18 November 1854.
74. MORNING CHRONICLE, 11 November 1854.
75. TORONTO DAILY LEADER, 15 November 1854.
76. GLOBE, 17 November 1854.
77. MORNING CHRONICLE, 11 November 1854.
78. GLOBE, 17 November 1854.
79. TORONTO DAILY LEADER, 15 November 1854.
80. MORNING CHRONICLE, 11 November 1854.
81. TORONTO DAILY LEADER, 15 November 1854. MORNING CHRONICLE, 11 November 1854, remarks: "Mr. Mackenzie spoke at some length but in a strain that rendered a condensed report of his speech almost impossible, as he treated of so many things."
82. MORNING CHRONICLE, 11 November 1854.
83. TORONTO DAILY LEADER, 15 November 1854.
84. GLOBE, 17 November 1854.
85. TORONTO DAILY LEADER, 15 November 1854.
86. GLOBE, 17 November 1854.
87. IBID.
88. LE PAYS, 18 November 1854.
89. GLOBE, 17 November 1854.
90. IBID.
91. IBID.
92. IBID.
93. MORNING CHRONICLE, 11 November 1854.
94. Telegraph (PILOT, 10 November 1854), notes that the debate lasted until "nearly midnight".
95. Telegraph (MORNING CHRONICLE, 9 November 1854).
96. IBID.
97. GLOBE, 17 November 1854.

98. TORONTO DAILY LEADER, 15 November 1854.
99. GLOBE, 17 November 1854.
100. TORONTO DAILY LEADER, 15 November 1854.
101. GLOBE, 17 November 1854.
102. TORONTO DAILY LEADER, 15 November 1854.
103. GLOBE, 17 November 1854.
104. TORONTO DAILY LEADER, 15 November 1854.
105. GLOBE, 17 November 1854.
106. TORONTO DAILY LEADER, 15 November 1854.
107. GLOBE, 17 November 1854.
108. TORONTO DAILY LEADER, 15 November 1854.
109. GLOBE, 17 November 1854.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. TORONTO DAILY LEADER, 15 November 1854.
115. GLOBE, 17 November 1854.
116. TORONTO DAILY LEADER, 15 November 1854.
117. IBID.

THURSDAY, 9 NOVEMBER 1854.

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MR. SPEAKER laid before the House,--Annual Return of the St. Lawrence Inland Marine Assurance Company for 1853.

For the said Return, see Appendix (E.E.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Fisher Ames and others, of Jamestown, Hemmingford, Russelltown, and Hinchinbrook.

By the Honorable Mr. Merritt,--The Petition of Abishai Morse and others, of the Township of Grimsby; the Petition of Thomas A. Corbett and others, of the City of Kingston; and the Petition of Agnes Stewart, of the Town of St. Catharines.

By Mr. Somerville,--Two Petitions of John Morrison and others, of the County of Huntingdon.

By Mr. Southwick,--The Petition of Phoenix Division, No. 64, of the Order of the Sons of Temperance.

By Mr. Rhodes,--The Petition of A. Gugsy, Esquire, and others, Members of the Bar of Lower Canada, Section of the District of Quebec.

By Mr. Allyn,--The Petition of John Maguire, of the City of Quebec, Police Magistrate; and the Petition of the Council of the Quebec Board of Trade.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Roman Catholic Institute of St. Roch's, Quebec; praying for aid.

Of the Roman Catholic Institute of St. Roch's, Quebec; praying for certain amendments to their Act of Incorporation.

Of W.L. Kinnond and P.L. Kinnond, of Montreal, Locomotive and Marine Engine Manufacturers; praying for an Act of Incorporation under the name of the Montreal Locomotive, Marine and Steam Forge Works.

Of the Municipal Council of the United Counties of Wentworth and Halton; praying for the incorporation of a Company to construct a Railway from Toronto to Amherstburg, passing through Dundas, Brantford, Norwich and St. Thomas.

Of the Reverend John Durrant and others, of the Village of Stouffville; praying for the passing of a Prohibitory Liquor Law.

Joseph Elie Thibault, Esquire, Robert Brown Somerville, Esquire, Joseph Hilarion Jobin, Esquire, John Scatcherd, Esquire; Chairman, John Wilson, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the United Counties of Drummond and Arthabaska, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the United Counties of Drummond and Arthabaska, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the

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County of Saguenay, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as

follow:--Joseph Laporte, Esquire, Joseph Hartman, Esquire, William Locker Pelton, Esquire, Alexander Tilloch Galt, Esquire; Chairman, Angus Morrison, Esquire.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select (sic) Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Arthur Rankin, Esquire, Charles Daoust, Esquire, Benjamin Dionne, Esquire, Robert Ferrie, Esquire; Chairman, François Lemieux, Esquire.

Ordered, That Mr. Laberge have leave to bring in a Bill to prevent Burials in Churches, and within the limits of incorporated Villages.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Charles Daoust, seconded by Mr. Jean Baptiste Eric Dorion, Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Statement of all sums of money paid for Official Advertizements in all the Public Departments, from 1st January, 1853, to 1st September, 1854, with the name of each Journal in which such Advertizements were published, and the dates and general description of the Advertizements.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to limit the Guarantee of the Province to any Railway Company to Three thousand pounds per mile, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Holton moved, seconded by Mr. Antoine Aimé Dorion, and the Question being proposed, That the second reading of the Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal, be the first Order of the day for To-morrow;

MR. HOLTON moved that the second reading of the Bill to amend the charter and increase the Capital Stock of the Bank of Montreal be the first order of the day to-morrow. He said his object was to get the Bills for increasing the Capital Stock of the various Banks passed through a second reading pro forma, that they might then go to the private Bill Committee, where the changes would be made on them necessary to bring them into conformity with the policy recently announced by the Government. On this motion being carried, he would move that the second reading of similar Bills in regard to the Commercial Bank of the Midland District, and the Bank of Upper Canada be the second and third orders of the day for to-morrow.¹

MR. INSP. GEN. CAYLEY was afraid they might lead to discussion, and prevent the Government going on with their measures on the day which had been set apart to them.²

MR. HOLTON said that he had consulted with some of the hon. gentleman's colleagues, and it was with the distinct understanding that the government gave

their consent, that he had placed his motions on the notice-paper. It was necessary that something should be done immediately to meet the wants of the commercial community, and if the course he proposed were not adopted, a very long time might elapse before they could take up the Bills in their proper place on the orders of the day. He did not think there need be any discussion on the second reading, but, if the Inspector General objected, he would not of course press his motion.³

MR. INSP. GEN. CAYLEY believed it unlikely from the watchful look of the member for Haldimand that they could get them passed without discussion.⁴

MR. MACKENZIE said the Inspector General was right. He could not consent to those Bills being taken out of their proper place, in order to give the go-by to the Clergy Reserves, the Seignorial Tenure and the Elective Council Bills.⁵

MR. YOUNG was surprised at the course taken by the member for Haldimand. He allowed the Grand Trunk Railway Bill to pass its second reading without a division, and the other night on its returning from the Railroad Committee, he allowed it to be set down as the first order of the day for Monday without opposition. These Banking Bills he (Mr. Young) considered to be of more importance to the country at the present moment than the Grand Trunk Bill⁶, or other matters. He trusted that this measure now under discussion would be brought up at a very early period to be disposed of.⁷ As he considered them [the Bank Bills] of even more importance [than] the Clergy Reserves bill.⁸

MR. EGAN.--The commerce of the country was entitled to precedence in every thing, and the relief asked for by the banks of increased capital was very important to public interests. He trusted that the government would offer no opposition to this measure coming before the House⁹.

MR. GAMBLE hoped the mover of the resolution would amend it so as to include the Bank of Upper Canada, and the Commercial Bank.¹⁰

MR. BOWES.--Hoped that the hon. member for Haldimand would not oppose the banking measures being taken up by the House--they were of great importance.¹¹

DR. CLARKE said, it would much facilitate the business of the country being carried on if these measures were taken up.--He hoped no opposition thereto would be offered.¹²

MR. FERRES was of the same opinion. Surely the hon. member for Haldimand's interest was not of so prevailing a character generally, as to induce gentlemen on the Treasury Benches to postpone any important question at his solicitation.¹³

MR. AT. GEN. DRUMMOND could assure the House, that the government did not wish to make any opposition to these banking measures. They wished to see them carried through. He (Mr. D) thought it might be arranged, that these banking measures should be put down upon the orders of the day, after either the Clergy Reserves or Seignorial Tenure questions, whichever came on first to-morrow.¹⁴ After the Clergy Reserves Bill or the Seignorial Bill was advanced another stage, ... the member for Haldimand would have an opportunity of speaking on the Banking system till four or five o'clock in the morning¹⁵ [OR] for four or five hours if he chose.¹⁶ He hoped the hon. member would not continue to set himself up against the wishes of the whole House.¹⁷

MR. LANGTON thought the hon. member for Haldimand would not at all compromise his principles, although he consented to reserve his oratory on the Banking Bills, till they returned from the Committee.¹⁸ He would offer no opposition to the matter coming on.¹⁹

MR. MACKENZIE moved in amendment, That it is inexpedient to discuss the question whether there should be an increase in the Capital Stock of the Bank of Montreal, or of any other Bank, before the settlement of the great questions involved in the Reserves Bill, Elective Council Bill, Tenure Bill and other measures named in the Speech from the Throne at the opening of the present session; & that to take Bank Bills out of their place upon Orders of the Day & put them ahead of the great public measures, would delay, and might possibly endanger their passage this session.²⁰ Mr. Mackenzie then addressed the House at considerable length.²¹ He said the sneer of the hon. member for Peterboro (Mr. Langton) would not deter him from doing his duty. Those Banks applying for increased capital were monopolies and should not receive any favor from him. The Hon. Inspector General had said that he (Mr. M) was not likely to allow the Bills to be read pro-forma the second time.²² He refused to let the Bill pass a second reading pro forma. The hon. member for Lambton (Mr. Brown) would not allow any pro forma votes on the second reading of Ecclesiastical Corporation Bills, and he (Mr. Mackenzie) had been put to the trouble of writing letters for months all over the country, explaining his pro forma vote for those Ecclesiastical Corporations.²³ It was astonishing to witness what an amount of Latin was used in that House (laughter). He (Mr. M) would put his amendment he had just proposed and try the disposition of the House to get through with the Clergy Reserves and Seigniorial Tenure questions as had been all along agreed upon.²⁴

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Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Munro, That all the words after "That" to the end of the Question be left out, in order to add the words "it is inexpedient to discuss the question whether there should be an increase in the Capital Stock of the Bank of Montreal, or of any other Bank, before the settlement of the great questions involved in the Reserves Bill, Elective Council Bill, Tenures Bill, and other measures named in the Speech from the Throne at the opening of the present Session; and that to take Bank Bills out of their place upon the Orders of the day and put them ahead of the said great public measures, would delay, and might possibly endanger their passage this Session" instead thereof;

MR. AT. GEN. J.A. MACDONALD (Kingston). The government were anxious to proceed as fast as possible with the Clergy Reserves, Seigniorial Tenure and other important measures.²⁵ The Government were anxious that those Banking measures should be proceeded with.²⁶ He (Mr. M.) would move an amendment to the amendment of the hon. member for Haldimand's²⁷.

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The Honorable Mr. Attorney General Macdonald moved in amendment to the said proposed Amendment, seconded by the Honorable Mr. Cayley, That all the words "it is inexpedient to discuss the question whether there should be an increase in the Capital Stock of the Bank of Montreal, or of any other Bank, before the settlement of the great questions involved in the Reserves Bill, Elective Council Bill,

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Tenures Bill, and other measures named in the Speech from the Throne at the opening of the present Session; and that to take Bank Bills out of their place upon the Orders of the day and put them ahead of the said great public measures, would delay, and might possibly endanger their passage this Session" be left out, and the words "the Order of the day for the second reading of the Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal, be the first Order of this day" inserted instead thereof;

MR. MACKENZIE declared that the amendment of Mr. Macdonald's was out of order (order! order!) Nothing that added to an amendment could be put. It was inconsistent with the rules of the House.²⁸

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And Objection being made to this Motion as being irregular and out of Order, Mr. Speaker decided that, according to the Rules of the House, the Motion was unobjectionable.

MR. MACKENZIE would appeal against the Speaker's decision (chair! chair! order, &c.)²⁹

The House was appealed to and³⁰ nearly all the members rose to affirm the Speaker's decision.³¹

MR. MACKENZIE amid shouts of order, and chair &c. demanded that the ayes and nays be taken (no! no!)

Mr. Mackenzie insisted upon it.³²

The ayes and nays were then taken and the chair was unanimously supported³³.

Hon. member laughed aloud.³⁴

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And an Appeal being made from Mr. Speaker's decision; the House divided:-- And the decision of Mr. Speaker was confirmed.

MR. MACKENZIE then said that the members did not dare to let the yeas and nays be taken that their names might go to the country. The Ex-Speaker (Mr. Macdonald) had not risen with the Yeas.³⁵ [He] tried to get Mr. Macdonald of Glengary to join in the demand; but when the latter did not rise Mr. Mackenzie told him that he dare not ask for the yeas and nays.³⁶ [He] did not wish the (sic) say anything against the decision of the House. But he would object to taking up these Banking measures before the other important Bills of the country (question! question!)³⁷

MR. HOLTON objected to the hon. members (sic) for Haldimand going into the matter again.³⁸

MR. MACKENZIE still continued to speak.³⁹

A great number of hon. members on the Treasury Benches commenced to knock with the lids of their desks, while other hon. members called question! &c.⁴⁰

MR. MACKENZIE appealed to the Speaker whether he had a right to go on.⁴¹

MR. SICOTTE the SPEAKER referred to the rule which decided that when any hon. member is speaking to the question before the House and other hon. members do not wish to hear him, that any interruption caused by noise or confusion will not be tolerated.⁴²

MR. PRES. EX. COUN. MACNAB then rose and said:--This course of proceeding was just what the hon. member for Haldimand wanted. He desired to get a little notoriety, and to show the people that he can prevent the House going on with its business (question, question, &c.) He (Sir A. McNab) had often heard that hon. gentleman tell other members that they dared not do so and so, and he had told the ex-Speaker that he dared not call out for yeas and nays ("order," "question," and general confusion.) Were hon. members to submit to be talked to in this way because the Speaker did not choose to put the hon. member down?⁴³

[He] called upon the speaker to prevent the use of unparliamentary and improper language, such as that used by the member for Haldimand. If this sort of thing was to be allowed, the business of the House might be interrupted by personal altercations. Suppose the hon. member for Glengary had in the presence of this House, proceeded to do that justice to the hon. member for Haldimand, which you Sir, have refused to do, what would have been the consequence?⁴⁴

MR. SICOTTE the SPEAKER.--Order, order.⁴⁵

Cries of "order," "question," &c.⁴⁶

MR. SICOTTE the SPEAKER.--It is not the duty of the Speaker to say that a word is offensive, until his at[ten]tion is drawn to it by the member who feels offended. (Hear, hear)⁴⁷ It was not the duty of the Speaker, during the course of a debate, to declare what is an offensive argument, but it was the duty of the member feeling himself offended to speak, and the Speaker might thereupon order the Clerk to take down the words. As to hon. members speaking at times beside the question, it might frequently be supposed by hon. members who might differ from the member addressing the House, that the language of the hon. member was not pertinent to the question, while others might think it to be pertinent.⁴⁸

MR. PRES. EX. COUN. MACNAB again rose,⁴⁹ (order, order, chair, &c.)⁵⁰

MR. SICOTTE the SPEAKER called [him] to order.⁵¹

[MR. PRES. EX. COUN. MACNAB] said he had a right to speak to the question before the House.⁵²

MR. MACKENZIE told the hon. member (in an excited tone of language) to sit down (order, order.)⁵³ I had not finished my remarks when I was interrupted.⁵⁴

MR. PRES. EX. COUN. MACNAB said he was going to speak to the question before the house (renewed confusion.)⁵⁵

MR. MACKENZIE said he did not give way.⁵⁶

MR. PRES. EX. COUN. MACNAB.--When you rose Mr. Speaker, I took my seat. It is the duty of every hon. member to take his seat when you rise. But I must dissent from the remarks which proceeded from the chair (Order!) I consider it the duty of the Speaker to prevent hon. members from using disorderly words. I apprehend the duty of the Speaker is not to wait till his attention is called to those words. (Order! Chair!)⁵⁷

MR. MACKENZIE.--Order, order, sit down, and confusion.⁵⁸

MR. SICOTTE the SPEAKER, rising and confronting Sir Allan--Order!⁵⁹

MR. PRES. EX. COUN. MACNAB again rose amidst loud cries of Chair! Chair! Order! Order!⁶⁰ Sir Allan McNab begged to say that there was no hon. member in that House (chair, chair.) who felt more than he (Sir A.) did, the difficult duty that the Speaker had to perform, and no hon. member was more anxious than himself to aid him; but what he complained of was, that hon. gentlemen were permitted to take such a wide range that it was impossible to get on with the business of the country.⁶¹ He did not see how the business of the country was to be got on with, if members were allowed to take such a wide range as the member for Haldimand had been allowed to do.⁶²

MR. BROWN said it was quite impossible for the Speaker to maintain order unless he was sustained by the House (Hear, hear.) He did think that it was

due to the dignity of this House that hon. gentlemen should pursue a more dignified course in the management of their business. (Hear, hear)⁶³ He hoped that hon. members would in future see the propriety of adhering strictly to the rules of the House.⁶⁴ If hon. members, in addressing the House were allowed to proceed without interruption, much time would be saved, and⁶⁵ [he hoped] that they would now allow the hon. member for Haldimand to proceed without interruption, which only went to provoke bad feeling between hon. members.⁶⁶ He hoped that what had now occurred would be a lesson that would have the effect of preventing such unseemly scenes in future (Hear, hear.)⁶⁷

MR. J.S. MACDONALD (Glengarry.) said it was scarcely possible, at so early a stage, to avoid continuing the debate.⁶⁸ It was very difficult for the house to stand a continuous debate on those measures at the present stage, when the whole house were anxious to postpone the discussion except one member.⁶⁹

MR. MACKENZIE again got on the floor, and spoke for half an hour longer. The Premier was very sensitive about the feelings of any member being hurt. But when his (Mr. Mackenzie's) feelings were outraged in the very worst manner, when the foulest language that could be used by a fellow mortal was used towards him by Col. Prince, the gallant knight sat still. The remark he had made as to the ex-Speaker's not having risen with the yeas, was made in no offensive sense, and he was sure the hon. member did not take it in an offensive sense.⁷⁰

MR. J.S. MACDONALD (Glengarry) said--Certainly not.⁷¹

MR. MACKENZIE said that this showed the groundlessness of the attack made upon him by the Premier. He had no desire to obstruct the business of the house, but after having suffered many years of exile,⁷² (oh! oh! ah! &c.)⁷³ and all but death, on behalf of those great measures which were now before the house, if he conceived them imperilled by other measures being taken up before them, it was only consistent in him to oppose any such course. (Hear, hear.)⁷⁴

MR. CAUCHON (during the course of some remarks made by Mr. Mackenzie on the subject under discussion) called the honorable member to order.⁷⁵

MR. SICOTTE the SPEAKER.--Decided that the honorable member for Haldimand might speak to the amendment of the honorable Mr. Macdonald (Kingston) which was before the House.⁷⁶

MR. MACKENZIE.--Would prefer the bill to abolish the rectories being taken up in preference to the banking bills. The question was, whether his (Mr. Mackenzie's) amendment to the original motion was to be put down.⁷⁷

MR. SICOTTE the SPEAKER put the amendment of the honorable member for Haldimand, lost.

Mr. Speaker then put the amendment of the honorable Mr. Macdonald of Kingston. It was carried⁷⁸ on a division, the Yeas and Nays not being taken down.⁷⁹

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And the Question being put on the Amendment to the said proposed Amendment; the House divided:--And it was resolved in the Affirmative.

And the Question being put on the Amendment to the Original Question, so amended; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put, That the Order of the day for the second reading of the Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal, be the first Order of this day; the House divided:--And it was resolved in the Affirmative.

MR. HOLTON then moved the next notice of motion, "that the second reading of the bill to increase the Capital Stock of the Commercial Bank of the Midland District be the second order of the day to-morrow."⁸⁰

MR. CAUCHON would oppose the motion; if every member were to move to bring up questions out of their order, the utmost confusion would be introduced. He was in favor of fixing a maximum, and a minimum capital for the Banks; and he would vote against the proposal.⁸¹

MR. J.S. MACDONALD (Glengary) contended that the House should not allow the motion to prevail.⁸² The motion [was] out of order.⁸³

MR. MACKENZIE also strenuously opposed the motion as irregular and unparliamentary.⁸⁴

MR. HINCKS said that the honorable member for Haldimand had caused all the useless discussion that had ensued; it was out of order.⁸⁵ Bills of this kind were never opposed at their second reading⁸⁶.

Oh, oh, from MR. MACKENZIE⁸⁷.

MR. HINCKS [continued:] The Bill was properly for the determination of a committee. No honorable member who voted for the second reading of a bill was obliged to support it afterwards. It was possible that the standing committee on Private Bills to whom this matter would be referred, might report, that it is not expedient to increase the capital stock of these banks, and therefore it was useless to take up the time of the House now in discussing the subject. With reference to the Bank Charters, there was undoubtedly, a great demand from the public for the increase of the capital of these banks (hear! hear!) He was free to admit, that there had not been any great disposition shewn upon the part of the public to take advantage of the Free Banking Law.⁸⁸ The first proposition he would lay down, and he was quite clear about it, was this, that the public required a large increase of banking capital. The second position he would lay down was, that there was not capital in Canada to furnish the amount of banking capital required. The next thing he would say was, that if they wanted foreign capitalists to introduce the required amount of banking capital, it must be introduced in such a way as would satisfy those foreign capitalists themselves.⁸⁹

MR. MACKENZIE appealed to the Speaker to know whether the rule adopted some time ago, to go to the orders of the day, at seven o'clock was to be departed from?⁹⁰

MR. SICOTTE the SPEAKER replied, there was an understanding that a debate suspended at six, should be recommenced at seven.⁹¹

MR. BROWN thought the hon. member for Haldimand did not oppose these measures from factious motives; but that he desired to express his opinion upon them, and that they had come on sooner than he expected.⁹² [He] pointed out to the member for Haldimand that the proper time for discussing banking measures would be after they returned from committee, when the government intended to amend them by introducing additional clauses which would bring them more into accordance with the views of that hon. member. It was a waste of time to discuss them in their present shape, until they were so amended, and he hoped the hon. member, with his desire to advance the business of the country, would⁹³, under the circumstances, give way, and wait till the report of the private bill committee came before the House, to give his opinions.⁹⁴ In regard to the banking system generally, he thought the hon. member for Renfrew (Mr. Hincks) had placed the matter fairly before the house. The present banks had wrought well for the

country and for themselves, and had enjoyed confidence both at home and abroad. He thought every one should rejoice at the extension of their capitals. He did not, however, agree with some statements that had been made about an impending commercial crisis in this country. In some sections of the Province, there might be commercial difficulty, caused by particular circumstances, but in Upper Canada, at any rate, looking to the high price of grain and the general agricultural prosperity, he had no fears of anything of the kind. (Hear, hear.) To send abroad statements as to an impending commercial crisis, had an injurious tendency. He was quite sure there was no ground for such fears as regarded Upper Canada; and even in Lower Canada, if there was commercial embarrassment, it would only be in connection with the timber trade. He thought the bill under discussion should be allowed to proceed, as the banking capital in Canada was not equal to the demands of trade. Perhaps, with the great prosperity which had flowed in upon the country, and the effect of our great public enterprises in distributing money and raising the value of property, it might have been well for the good of the country that the banking capital had not been such as to promote seawise speculation. At the same time it would evidently be well that there should be a moderate enlargement.⁹⁵

MR. J.S. MACDONALD objected to the taking up of orders out of their place; and contended that if the government measures were not ready on government days, the orders of the day should be taken up as they stand.⁹⁶

MR. HINCKS came into the House, at this point, and asked to be allowed to conclude his remarks. He said the want of banking [capital] was felt and admitted; and that there was not the necessary capital for banking purposes in this country.⁹⁷ They had given the private banking system a trial, but that thus far no foreign capitalists had been induced to furnish banking capital to this country through the medium of those private banks. English capitalists would not risk their money in the new banks to which charters had been given. The existing chartered banks which had been known to them for the last 20 years, possessed their full confidence as safe places of deposit for their money, and it was very evident therefore, that the way to draw capital into the country, was not by giving charters to new banks but by increasing the capital stock of the institutions already in existence. This was the plain common sense way of putting the question.⁹⁸

MR. BROWN expressed a hope that the House would allow these bills to be read a second time, and sent to the private bill committee.⁹⁹

MR. MACKENZIE having again objected to the motion as irregular.¹⁰⁰

MR. HOLTON after consultation with his friends asked leave to withdraw it.¹⁰¹

MR. TERRILL stated his intention shortly to introduce a bill to charter a new bank with £250,000 capital.¹⁰² [He] made a few observations objecting to the House being taken by surprise in the introduction of measures of importance.¹⁰³

MR. PRES. EX. COUN. MACNAB assured the hon. gentleman (Mr. Tirrell (*sic*)) that all proper attention would be paid to his measure, when it should be introduced.¹⁰⁴

MR. CAUCHON said, the usual mode of proceeding in such cases as this was, first to discuss the principle and then send the bill to the private bill committee after its second reading. But as the first motion had passed, he would not oppose the second.¹⁰⁵

MR. HOLTON.--It is withdrawn.¹⁰⁶

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The Order of the day for the second reading of the Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal, being read;

MR. HOLTON moved the second reading of the bill to increase the capital stock of the Bank of Montreal. He did not intend to discuss the question at this stage for the reasons stated.¹⁰⁷ [He] hoped it would be allowed to go to the Committee without further discussion.¹⁰⁸

MR. MACKENZIE would consent to no such thing, but proceeded to speak for another hour in opposition to the measure.¹⁰⁹ [He] had no desire to oppose the current of feeling either in the House or out of it, except when great principles are at stake. He contended that the free banking system, the only one in operation in the State of New York, had not had a fair trial. Foreign capitalists had not more confidence in the State of New York than in this country, and banking capitalists were there far more plentiful. The free banks gave a security to the bill holders which our chartered banks did not give. A few days ago, a majority of the House refused to call for a list of the stockholders of these banks in order that it might be seen whether they were responsible parties or not; and yet it was now proposed to allow these monopolies to increase their capital, while no banks could be got for the country. He then referred to the opposition of the late government to charter a bank for which Mr. Tyrell (*sic*) has charge of the bill. If the County of Haldimand wanted to establish a bank why should it not be allowed to do so? The capital of the Bank of Montreal was already \$4,000,000. There was nearly \$3,000,000 of specie in the banks. That was not a great deal, to be sure. There ought to be more. A vast amount of paper was kept out upon this small amount of specie. The Province had nearly \$40,000,000 afloat, and if we compelled the banks to hold these debentures as security to the public for the payment of their notes as is done in the State of New York, increased value must be given to our public securities. The Government seemed to have no plan, no system, but to allow these monopolies to take any shape they may; and by-and-bye they would dictate to the public. The duty of the Legislature was to see that the public was secured from loss by the bills of those banks; but this was not done here; for we required them to publish a statement of their affairs only once in three or six months. They ought to be required to publish [a] stock statement every week. What was to be the basis of these banks? Was it to be Provincial or Municipal debentures? He was opposed to the use of Municipal debentures for this purpose. When the Quebec Bank came to the House for an increase of their capital, he opposed the proposition to allow the stockholders to divide all the new stock among themselves, to the exclusion of the public. In an amendment which he proposed, he was supported by the hon. member for Renfrew and Dr. Rolph, but the motion was lost. He implored the House to consider that they were now dealing with a matter that had created the greatest difficulties in France, Spain and the United States.¹¹⁰

MR. MERRITT would reserve his opinion till the report of the committee on private bills came up¹¹¹; when he would undertake to refute every one of the propositions laid down by the ex-Inspector General, which were one and all of them unsound (Hear, hear, and laughter.)¹¹²

MR. INSP. GEN. CAYLEY explained that when the government had declared their policy on the subject of the banks they desired to allow the bills concerning different banks to proceed without showing partiality to any one.¹¹³

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The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

MR. INSP. GEN. CAYLEY.--It would be well to advance the similar Bills for the other banks to the same stage.¹¹⁴

MR. MACKENZIE.--I object to their being advanced a single step.¹¹⁵

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The Order of the day being read, for taking into further consideration the Question which was proposed on Monday last, That the Petition of Télesphore Fournier, of the City of Quebec, Esquire, a Candidate at the last Election of a Member to represent the County of Bellechasse in this present Parliament, complaining of the undue Election and Return of Octave C. Fortier, Esquire, to represent the said County, be not received;

Ordered, That the further consideration of the said Question be postponed, until a Committee shall have reported upon the allegations of the Petition of Octave Cyrille Fortier, of the Parish of St. Gervais, Esquire, Member, representing the County of Bellechasse, in this present Parliament, received on the eighth instant, and the decision of the House shall have been had upon the said Report.

Resolved, That the Petition of Octave Cyrille Fortier, of the Parish of St. Gervais, Esquire, Member representing the County of Bellechasse, in this present Parliament, received on the eighth instant, and the Petition of Télesphore Fournier, of the City of Quebec, Esquire, a Candidate at the late Election of a Member to represent the County of Bellechasse in this present Parliament, presented on the third instant, be referred to a Select Committee, composed of Mr. Casault, Mr. Solicitor General Smith, Mr. Solicitor General Ross, Mr. Lemieux, and Mr. Masson, to report upon the allegations of the Petition of the said Octave Cyrille Fortier, Esquire; with power to send for persons, papers and records.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was on Tuesday last proposed to be made to the proposed Amendment to the Question, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when a different and much more satisfactory arrangement may be made as regards the place of convening Parliament, than at present exists: That the present system of alternate Parliaments is

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inconsistent with a proper regard to the economical expenditure of public money, uncalled for by the necessities of the country, injurious to the preservation and methodical arrangement of the Public Archives and Library, and productive of great inconvenience and injustice to permanent Officers in the Public Departments; and that the same ought to be changed, and a permanent place selected for the assembling of Parliament, suited, as far as possible, to the convenience of all sections of the Province; and which proposed Amendment was, That all the words after "That" to the end of the Question be left out, and the words "it is inexpedient to interfere with the arrangement in regard to the Seat of Government adopted by this House in 1849, and re-affirmed in 1851" inserted instead thereof; and which Amendment to the said proposed Amendment was, That the words "and that in accordance with the arrangement the Public Departments should be moved to Toronto in 1855" be added at the end thereof;

MR. PATRICK moved that the debate upon an Address to His Excellency on the subject of the Seat of Government, be further postponed till this day fortnight. He said that, when he introduced the subject, he had hoped that the question would be settled in a very short time, and that the debate would be carried on in a more quiet, dispassionate and appropriate manner. But the course the debate had taken was such that he considered it decidedly desirable that the matter should be postponed till a future day.¹¹⁶

MR. BROWN said it would be an utter waste of time, after the subject had been thoroughly discussed for two whole days, to adjourn it for a fortnight, when it would be commenced de novo, and the old arguments all be gone over again. (Hear, hear.) By the 23rd November, the House would either have adjourned, or a great¹¹⁷ many of the Upper Canada members would have gone home before the close of navigation¹¹⁸; so that the subject would either be discussed in a thin House or be thrown over altogether till February.¹¹⁹

MR. BOWES opposed the postponement of the question. The discussion had gone so far that the question could be settled in a short time now; but if delayed it would consume two or three more days, or a week, before it was put as far forward as it is now. He was in favor of continuing the present system, which had worked well, and would not, if he could, fix the seat of government any where.¹²⁰

MR. WILSON began to suspect the faith which some members intended to keep; he did not care, where the seat of Government went but he wanted to see fair play. This ought to have been made a cabinet question¹²¹. The gallant knight at the head of the Government stated that the question had been most thoroughly discussed, so thoroughly that no one seemed disposed to say another word. If after that, the gallant knight and the Government supported the present motion, it would not be saying much for their consistency. (Hear, hear.) The object evidently was to postpone the discussion of the question, till many of the Upper Canada members should be left.¹²² He would like to know what was the opinion of the honorable and gallant Knight on the subject.¹²³

MR. AT. GEN. DRUMMOND said it was no reproach to the Government that this had not been made a cabinet question. In the peculiar state of the case, he did not think that any one should expect it to be made a cabinet question. If the advocates of a permanent seat of Government were to succeed then the whole question would have to be discussed on every proposal to take it to different places that would be proposed. The question had only been discussed on general grounds; and its further consideration might consume not two or three but seven or eight days¹²⁴ to decide where that seat should be. That being the case he did not think it should be discussed further at present¹²⁵. It would be better to put an end to the effervescence that had been perhaps unnecessarily created and go on with¹²⁶ the great measures which were being pushed forward by the Government.¹²⁷

MR. PROV. SEC. CHAUVEAU denied that in supporting the motion he and his friends intended to deal out Punic faith to Upper Canada. For his own part he maintained that this was a question on which good faith with Upper Canada should not be broken, and¹²⁸ so strong was his opinions (sic) that¹²⁹ even if it were moved that Quebec should be the permanent seat of Government, instead of the present alternating system, he would willingly run the risk of incurring the displeasure of his constituents, by voting against such a proposition. (Hear, hear.)¹³⁰

MR. FERRES denied that the selection of a permanent seat of Government would involve any breach of faith.¹³¹

MR. GAMBLE said that after a call of the House had been obtained by the Government for the consideration of this question, it was a most extraordinary thing that it should now be postponed. (Hear, hear.)¹³²

DR. CLARKE had waited two days on account of the question; and he hoped it would be gone on with. The House had been called for the purpose of discussing this question and it ought now to be decided.¹³³

MR. FOLEY was not one of those who had censured the Government for not making this a Government question; but he should be obliged to join in condemning them if they postponed this question. The gentlemen themselves said that if it were postponed it would consume eight days; while it could be soon settled if it were gone on with now. The country had settled this question: they expected that the present arrangement would be carried out, and faith kept with Upper Canada.¹³⁴

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Mr. Patrick moved, seconded by Mr. Shaw, and the Question being put, That the said Order of the day be postponed until Thursday the twenty-third day of November instant; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs, Alleyn, Blanchet, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Church, Cooke, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gill, Guévremont, Hincks, Holton, Huot, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Leprieux, Attorney General MacDonald, Roderick McDonald, Sir A.E. McNab, McLennan, Macpherson, McIntosh, Meagher, Mongenais, Morin, Joseph C. Morrison, Jean Morrison, Muir, McFarrell, Papin, Patrick, Polette, Poulin, Pouliot, Powell, Prévost, Rhodes, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Stonerville, Spence, Torrill, Michaud, Torville, Waring, and Young.--(77.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bowes, Brown, Burton, Chisholm, Clarke, Cook, Crawford, Daly, Jean B.E. Dorion, Fergusson, Foley, Frazer, Freeman, Gamble, Gould, Hartman, Jackson, Larvill, Larvill, Macbeth, John A. Macdonald, Mackenzie, Niles, Robinson, Scotchford, Southwick, Stevenson, Widdow, and Wright.--(32.)

So it was resolved in the Affirmative.

The Order of the day for the second reading of the Bill to authorize the People of the several Counties of this Province to elect their own County Officers, being read;

(300)

Mr. Foley moved, seconded by Mr. Flint, and the Question being proposed, That the Bill be now read a second time;

MR. FOLEY moved the second reading of a Bill to provide for the election of Sheriffs, Clerks of the Peace, and Registrars, directly by the qualified municipal electors of the respective wards, townships, villages, towns, and cities

of Upper Canada. He advocated this measure on the ground that the people best understood their own interests in their several localities, and that they should be allowed to elect their own officers because they paid for them.¹³⁵ Le peuple demande ce privilège et le mérite, parce qu'il est dans une meilleure position que ne peut être un ministre éloigné pour connaître les personnes qu'il nomme pour ces divers offices.¹³⁶ His proposition was no new one, but was carrying out a principle which existed in other countries.¹³⁷ The election of the Sheriff was an ancient English practice.¹³⁸ In the city of London, the largest metropolis in the world, the Sheriffs were elected by the people by whom they were employed. At present it was notorious that local officers were appointed, not because of their fitness for their offices, but because they were the friends or partisans of the member who represented the county, if he happened to be a supporter of the administration of the day. He had no doubt it would be for the advantage of the Government themselves to remove from them the dispensing of that patronage, which laid them constantly open to accusations of unfairness in the distribution of the offices in the gift of the Crown.¹³⁹ There was a general desire that the people should elect their own officers. At present, in almost in every case of local appointments, charges of corruption were made; and this measure would put an end to these charges. The people of Upper Canada, to which section of the Province the operation of the measure was confined,¹⁴⁰ could not have made better selections than they had done, in electing their municipal councillors, &c., and he believed they would display the same wisdom in exercising their privileges, if the elective principle were still further extended.¹⁴¹ When it was proposed to make both branches of the Legislature elective there could be no valid objection to the election of these local officers.¹⁴² If the Bill should pass a second reading, he meant to move that it be referred to a Committee, with a view to having its details perfected as much as possible.¹⁴³ He did not propose that his bill should go into effect before 1856, in order not to make the change sudden.¹⁴⁴

MR. SOL. GEN. H. SMITH considered the bill a very bad one.¹⁴⁵ If those officers were to be elected every three years, as proposed in the Bill, the whole business of the country would be thrown into confusion.¹⁴⁶ He did not think that the ends of justice would be promoted by making judicial officers dependent for their places or (*sic*) popular election.¹⁴⁷ Before extending the elective principle, the hon. mover should have shown what objections existed to the present system. Could he show that there was in Upper Canada a single Sheriff who was not discharging his duty properly? He looked upon it as of the greatest importance that the Sheriff should be directly responsible to the Government, and not to the people.¹⁴⁸ It was desirable that the incumbents of these officers (*sic*) should hold their situations permanently. If a Sheriff were elected and found unfit for the discharge of his duties, what would be done?¹⁴⁹ The Sheriff was an officer whose position should not lead him to court popular favours.¹⁵⁰

MR. FOLEY interrupting, said he provided in the bill that when an officer was guilty of malversation or neglect of duty, the municipal council would have the power to remove him and elect another.¹⁵¹

MR. SOL. GEN. H. SMITH.--In changing, the Sheriff's writs directed to one would be handed over to another and the council instead of the Sheriff would become responsible. He believed the elective principle had been carried far enough. The municipal councils worked well; and we should leave things as they are. Had any well founded complaint been made against any Sheriff for neglect

of duty that was not taken notice of? The bill provided that a Sheriff might leave his county and a deputy be appointed in his place. Such a thing was never heard of and could not be permitted.¹⁵²

MR. INSP. GEN. CAYLEY.--Sheriff Jarvis went to Europe.¹⁵³

MR. SOL. GEN. H. SMITH believed that Sheriff Jarvis had gone to England on very urgent business. These officers, connected with the administration of justice, ought to be responsible to the government and not to the people. He concluded by moving, in amendment seconded by Sir Allan McNab, that the bill be read this day six months.¹⁵⁴

(300)

Mr. Solicitor General Smith moved in amendment to the Question, seconded by the Honorable Sir Allan N. MacNab, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. O'FARRELL s'exprime dans le même sens [que Mr. Sol. Gen. H. Smith] et dit que dans les Etats-Unis, où le système électif est en opération, les juges, les shérifs et autres officiers négligent leurs devoirs de peur d'offenser les électeurs dont ils dépendent.¹⁵⁵ [He] distinguished between judicial and other officers. The former he thought should not be elected by the people.¹⁵⁶

MR. HARTMAN considère que M. O'Farrell et le Solliciteur-général s'opposent au principe qui doit dominer chez tout peuple libre, où le gouvernement doit être pour le peuple, et non pas le peuple pour le gouvernement. Si le peuple est capable d'élire les membres de la Chambre, il doit être capable d'élire ses officiers locaux.¹⁵⁷ [He] was in favour of the offices referred to being made elective, and he should therefore vote for the second reading of the Bill. He did not approve, however, of their being elective directly by the people, but by the county councils.¹⁵⁸ [He] contended that the people who paid these officers ought to elect them.¹⁵⁹ It had not been shown in one single instance that the people of Upper Canada had abused the elective institutions which had been conferred upon them, and he thought those institutions might with safety be extended.¹⁶⁰ At present, when complaints were made against these officers, it was very difficult to get any attention to them, if the party charged were of the same politics as the government.¹⁶¹ He was not in favour of the officers being removed every three years, as proposed in the Bill. They ought to hold their appointments as long as they gave satisfaction and discharged their duties; but that and other points of the Bill might be amended in Committee.¹⁶²

MR. GAMBLE said that no man was more desirous than he of seeing the elective principle carried out, even in regard to the Legislative Council, and the highest office in the country¹⁶³, from the Governor General down wards,¹⁶⁴ [OR] from the Legislative Council downwards¹⁶⁵. But he could not vote for the second reading of the bill, as he thought the appointment of the officers referred to should be vested not in the people directly, but in the county Councils¹⁶⁶, a body which he also wished to have the entire control of the local revenue.¹⁶⁷ He wanted to see as much power vested in the county Councils as possible. He did not want to see power concentrated in a Government or in Parliament, but he wanted to see it distributed as much as possible over the country. He did not believe in the supremacy of Parliament, and hoped to see the day when they would have a written Constitution controlling parliament.¹⁶⁸ Another reason why he could not vote for the bill was, that it proposed to remove all the present officers, whether they had conducted their business well or not, without any compensation.¹⁶⁹ As the Government, by their Legislative Council measure, had

adopted the elective principle, he hoped they would take the matter up, and introduce such a bill for extending that principle as would receive the sanction of the House.¹⁷⁰

MR. POST. GEN. SPENCE would yield to neither the hon. member for North Waterloo nor of North York, in his desire to enlarge the privileges of the people. He thought, however, that a distinction should be made between legislative and executive officers; and that such officers as those which he had mentioned, should not be elective.¹⁷¹ He did not think it would be desirable that the people should elect officers who were to carry out the law, and obey the commands of courts, and who were more or less connected with the administration of justice.¹⁷² He did not believe there was a general desire in Upper Canada for the election of these officers. Why did the hon. gentleman not propose to make all the county officers elective--why not the county judge and the post masters as well as the Sheriff and Registrar?¹⁷³

MR. HARTMAN asked if there was not a desire in Halton for the election of those officers?¹⁷⁴

MR. POST GEN. SPENCE knew Halton well, and he did not believe that they desired any further extension of the elective principle.¹⁷⁵

MR. FOLEY desired to ask the hon. gentleman whether he did not support the platform candidate in Halton¹⁷⁶ il y a deux ans; et si cette plateforme ne contenait pas une clause demandant l'élection des officiers de comtés.¹⁷⁷

MR. POST GEN. SPENCE could well understand how a member who wanted to make clap-trap buncobine speeches, should put questions of this kind. He believed the county council of Halton did not desire to have these officers made elective. In 1849, Mr. Baldwin remarked to him, that he believed the elective principle had then been carried to its proper limit; and although he (Mr. S.) did not at that time feel the full force of the objection, his experience had since taught him that it was correct. It might be an unpopular vote to go against the bill; and some members might be frightened by having some Voter's Guide held up against him; but he should not be deterred by such considerations from a discharge of what he regarded as his duty. He did not believe that the people were prepared to meet in mass meeting on the 1st January and elect these officers; there was no expression of public opinion in favor of such a course. There might be localities where a desire to elect these officers existed; but there was no proof that it was at all general. He would vote for the amendment.¹⁷⁸

MR. MACKENZIE advocated the extension of the elective principle, and referred to the case of Ontario, and other counties, where sheriffs had been appointed by the Government, contrary to the wishes of the people.¹⁷⁹

MR. DEWITT said, if the people were not prepared to elect their own officers, they could get the government to nominate for them, and they might elect the parties nominated.¹⁸⁰

MR. HINCKS said the hon. member for Haldimand had repeated what he had stated a score of times within the last few months, that he (Mr. H.) had called him (Mr. M.) an enemy of reform for having, on a former occasion, brought forward a measure of this kind. He (Mr. H.) did hold, that any one who brought forward motions of this kind, for the purpose of embarrassing a government when it was engaged in carrying measures of far more importance, did injure the cause of reform. But the hon. gentleman, at that time, brought forward this bill for the purpose of denouncing every one as an enemy to reform who did not vote for

it; of holding him up, in his Voter's Guide, as the Postmaster General had stated, and denouncing him as an enemy of reform. As a proof that that was the hon. gentleman's object, he (Mr. H.) had heard him (Mr. M.) say, that he did no[t] care for the loss of his bills; he got the vote upon them, and that was what he wanted.¹⁸¹ [He] thought it necessary that the sheriffs should continue responsible to the Executive. For the exercise of executive control, the Government were responsible to Parliament, and to the people, which in his opinion furnished a sufficient amount of responsibility. If the appointment of those officers was taken away from the Government, such a course, he conceived, would materially interfere with the theory of Responsible Government.¹⁸² It had been said that the government were influenced by political motives; but he doubted whether the municipal councils would not be quite as much influenced by political motives, in those appointments, as the executive itself. Nor did he think that it would be right to deprive the crown entirely of all means of rewarding persons who had rendered it service. He quoted, as an instance, the case of Mr. Durand, who was appointed Registrar of Lennox and Addington, after having been in Parliament; and his friends having desired that he should get some office.¹⁸³ In the case of the appointment of a sheriff to Ontario, referred to by the hon. member for Haldimand, Mr. Reynolds had been strongly recommended to the Government. There were two or three other candidates and among their respective friends very strong feelings had sprung up. The Government thought that if either of those rival candidates were appointed, that bad feelings would only be increased, and they therefore appointed a gentleman unconnected with either of the rival parties. He believed that that gentleman was now giving great satisfaction, and that he had proved a good and efficient Sheriff.¹⁸⁴

MR. MACKENZIE had never said that he was just as well pleased to have his bill lost, as his object was gained in getting the vote for his Voter's Guide. He had never said so.¹⁸⁵

MR. HINCKS.--I did not say he did.¹⁸⁶

MR. GOULD said the people of Upper Canada had never abused the power they had got.¹⁸⁷ [He] supported the bill.¹⁸⁸ He was opposed to the details of the bill, but wished to see these officers made elective by the people. As to the county of Ontario, people did not like to have sheriffs imported. The hon. member for Renfrew had said Mr. Reynolds was well recommended; but he would like to know who recommended him for Ontario. He (Mr. G.) thought this was a reason why the election of sheriffs should be vested in the County Councils. When Mr. Baldwin was connected with North York one of the subjects of complaint was that he did not dismiss the sheriff of the county.¹⁸⁹

MR. HINCKS explained. This was a subject on which a great deal had been said; but not a single formal complaint was, at that time, made to the government against the sheriff for that County.¹⁹⁰

MR. ROBLIN said that a more worthy or high-minded man than Mr. Reynolds did not exist in Upper Canada. There were some charges against him in 1837, and he fled across the line, but he returned and gave himself up, and being tried was honorably acquitted, which was more than the member for Haldimand dared do. (Order!) He was aware from his own knowledge that Mr. Reynolds had been recommended to the Government by parties in Ontario.¹⁹¹

MR. J. ROSS, Northumberland, thought the time had not yet arrived for applying the Elective principle to the offices of Sheriff, Registrar, and Clerk of the Peace. So long as we are a British colony, we should hold on to the

characteristics of the British system, if possible. He should therefore oppose the second reading of the bill. In answer to the question of the hon. member for North Ontario as to who recommended Mr. Reynolds for the shrievalty of that county, he would reply that that gentleman's standing in society--his devotion to the cause of reform, and his services to his party--were the recommendations which secured his appointment from a reform administration and they acted wisely in making it. Mr. Reynolds he was sure would prove a most efficient public officer.¹⁹²

MR. LUMSDEN said that after a convention had been held of the people of Ontario, and a Candidate selected by them for recommendation to the Government, their wishes should not have been set aside in the way they had been. In regard to the measure now before the House, his view of the matter was that the County Council, on a vacancy occurring, should make up a list of parties eligible for the vacant office, from which the Government should be bound to make their selection.¹⁹³

MR. J.S. MACDONALD had a very strong objection to the selection of executive officers, by a popular vote; that opinion was shared by his constituents; and he could not vote against his own convictions and their wishes.¹⁹⁴ He had always been in favour of county Councils electing those officers who were immediately under their direction, and paid for by the locality itself. But the case was different with those officers such as Sheriff, in whom not only the particular locality but the whole country was interested in their discharging their duty properly. If those officers were to be made elective, he would rather go to the source at once, and have them elected by the people rather than by the county Councils. But he was not prepared to go that length in the meantime, although it might not be long till he was forced to it. He was tired of those perpetual assertions, which had been repeated to-night by the ex-Inspector General about the responsibility of Government. Where was that responsibility he would like to know in the issuing of the commission of the peace for the county of Kent last summer, by an Administration just on the eve of crumbling to pieces? (Hear, hear.)¹⁹⁵

MR. DALY supported the Bill.¹⁹⁶ [He] thought the people just as competent to elect these officers as the government.¹⁹⁷ If a Sheriff was liable to removal by the people at the end of every three years, he did not think that that consideration would make him less disposed to act conscientiously.¹⁹⁸

MR. FREEMAN said the office of Sheriff was different from most others. He had to exercise his duties against the people and upon the people, and he did not think it very desirable, therefore, that this tenure of office should depend upon the people. However, if the people should petition for it, he would be disposed to grant their request, but not till then, he could see any reason against the Register being elected.¹⁹⁹ He thought the sheriff might be safely elected by the county councils.²⁰⁰ He was not afraid of any fraudulent practices mentioned by the Solicitor General.²⁰¹

MR. SCATCHERD supported the Bill. He thought that the county Councils would be perfectly competent to elect those officers, but he believed that the people themselves were still more competent.²⁰²

DR. CLARKE said in his county the people desired no change.²⁰³

MR. FOLEY replied to some of the statements which had been made in the course of the debate, and asserted, on the authority of numerous letters which

he had received, that none were more anxious for the change, than the officers themselves who were affected by this Bill.²⁰⁴ In his constituency these officers desired to have these offices elective: because they felt themselves degraded at every election.²⁰⁵ He was astonished to find the hon. Postmaster General opposed to the principle of this Bill²⁰⁶. He was satisfied that the hon. Postmaster General had advocated the principle of this bill at the election of 1851.²⁰⁷

MR. POST. GEN. SPENCE.--No.²⁰⁸

MR. FOLEY had been a constant reader of the hon. gentleman's paper²⁰⁹ the Dundas Warder,²¹⁰ and as he had never seen anything in it against this principle, he had a right to conclude that he had been in favor of it²¹¹ especially during the election of 1851, when that hon. gentleman strongly supported a candidate in whose platform this principle had a prominent place, he never till now knew that he was opposed to it.²¹² In nine-tenths of the counties of Upper Canada, this bill was demanded. He was not in favor of giving the election of those officers into the hands of the county council, because these councils often did not fairly represent the people.²¹³

MR. POST. GEN. SPENCE said that in 1851 he certainly voted for a gentleman of his own way of thinking, without reference to any particular plank of his platform. As to what the hon. gentleman had said about his expressing opinions on the subject in 1851, in his paper, different from those he now held, the truth was that, at that time, he had no paper, nor for two years after.²¹⁴

(300)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Clarke, Crysler, Desaulniers, Attorney General Drummond, Felton, Octave C. Fortier, Fournier, Freeman, Gamble, Hincks, Labelle, Larwill, Loranger, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, Mattice, Mongenais, Morin, Joseph C. Morrison, O'Farrell, Patrick, Poulin, Powell, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Southwick, Spence, Stevenson, Turcotte, and Whitney.--
(44.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Burton, Cooke, Cook, Daly, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Elliot, Fellen, Fraser, Galt, Gould, Guérémont, Haytman, Holton, Lalonde, Leveson, Macdonnell, McLean, McKerlie, Merchiston, Mussen, Matheson, Munro, Niles, Ogden, Poirer, Stachurski, Sidney Smith, Thibaudon, Valois, and Wright.--
(44.)

So it was resolved in the Affirmative.

MR. FOLEY said there was Upper Canada majority in favor of the bill and against the government.²¹⁵

(400)

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill to erect the Town of Bytown into a City, under the name of the City of Ottawa, being read;

On motion of MR. POWELL²¹⁶,

(300)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

*Then, on motion of Mr. Valois, seconded by Mr. DeWitt,
The House adjourned.*

[RECIPROCITY TREATY.]

MR. AT. GEN. DRUMMOND then rose and said, he was sorry that the opinion of Mr. Attorney General Cushing had not been treated according to the order of the House, by some mistake, as it ought then to have been in the hands of every honorable member of the House. He would not allude to this subject, were it not, that he had received by mail that morning a letter from the Attorney General of the United States, which he would take the liberty of reading to the House. The honorable gentleman then read the following letter:--

Washington, 4th Nov., 1854.

SIR.--I have the pleasure to inform you that a Treasury Circular was to be issued in a few days to admit into the United States from Canada, all the articles enumerated in the late treaty, under the same conditions, and with the same object as expressed in the late circular in regard to fish from the coast[al] provinces.

I am, &c.

C. CUSHING.

To Hon. L.T. Drummond.²¹⁷

The communication was received with applause by the House.²¹⁸

MR. AT. GEN. DRUMMOND.--There had been some surprize expressed that a different course had been pursued by the United States towards the Lower Provinces, from what had been pursued towards this Province. If the opinion of the Attorney General of the United States, had been seen by the parties who expressed this surprise, it would have been seen that the Lower Provinces were in a very different position from this Province; that no legislation was required in regard to the Fisheries; while the treaty could not go into operation, as regarded produce, till legislation had taken place both here and in England. The government had been charged with great bungling; but perhaps if the opinion of the United States Attorney General had been generally seen, that accusation would not have been made.²¹⁹ The Canadian government had given to the United States a great proof of their liberality by throwing open the navigation of the St. Lawrence to American vessels immediately after the reciprocity treaty was signed, the United States government thought that they would outdo Canada in liberality, and that they admit the products of Canada into the United States upon the same terms as fish from the Lower Provinces be admitted into the United States. The products of Canada would now be introduced into the United States upon the same terms as fish from the Lower Provinces, that is to say, the duty will have to be paid, but the person paying it will receive a Treasury receipt equal to a Bank cheque upon any Bank in the United States, for that amount²²⁰ after the treaty goes fully into operation.²²¹ The Government of the United States were now convinced that Congress would not hesitate to pay back the money, and therefore these receipts would be given, which would be as good as money in any bank.²²²

FOOTNOTES: 9 NOVEMBER 1854.

1. GLOBE, 18 November 1854. TORONTO DAILY LEADER, 18 November 1854, states that the motion on the Commercial Bank of Midland is the first motion made.
2. GLOBE, 18 November 1854.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. MORNING CHRONICLE, 13 November 1854.
8. TORONTO DAILY LEADER, 18 November 1854.
9. MORNING CHRONICLE, 13 November 1854.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. GLOBE, 18 November 1854.
16. MORNING CHRONICLE, 13 November 1854.
17. GLOBE, 18 November 1854.
18. IBID.
19. MORNING CHRONICLE, 13 November 1854.
20. IBID.
21. GLOBE, 18 November 1854.
22. MORNING CHRONICLE, 13 November 1854.
23. GLOBE, 18 November 1854.
24. MORNING CHRONICLE, 13 November 1854.
25. IBID.
26. GLOBE, 18 November 1854.
27. MORNING CHRONICLE, 13 November 1854.
28. IBID.
29. IBID.
30. IBID.
31. GLOBE, 18 November 1854.
32. MORNING CHRONICLE, 13 November 1854.
33. MORNING CHRONICLE, 13 November 1854. GLOBE, 18 November 1854, however states: "Mr. Mackenzie called for the Yeas and Nays to be taken down, but as no second voice was raised for it, as required by the rules of the House, his request was not attended to."
34. MORNING CHRONICLE, 13 November 1854.
35. GLOBE, 18 November 1854.
36. TORONTO DAILY LEADER, 18 November 1854.
37. MORNING CHRONICLE, 13 November 1854.
38. MORNING CHRONICLE, 13 November 1854. MONTREAL GAZETTE, 11 November 1854, indicates that Mr. Felton is the speaker.
39. MORNING CHRONICLE, 13 November 1854.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. TORONTO DAILY LEADER, 18 November 1854.
45. MORNING CHRONICLE, 13 November 1854.
46. IBID.
47. GLOBE, 18 November 1854.

48. MORNING CHRONICLE, 13 November 1854.
49. GLOBE, 18 November 1854.
50. MORNING CHRONICLE, 13 November 1854.
51. GLOBE, 18 November 1854.
52. IBID.
53. MORNING CHRONICLE, 13 November 1854.
54. GLOBE, 18 November 1854.
55. MORNING CHRONICLE, 13 November 1854.
56. IBID.
57. GLOBE, 18 November 1854.
58. MORNING CHRONICLE, 13 November 1854.
59. GLOBE, 18 November 1854.
60. IBID.
61. MORNING CHRONICLE, 13 November 1854.
62. GLOBE, 18 November 1854.
63. IBID.
64. MORNING CHRONICLE, 13 November 1854.
65. GLOBE, 18 November 1854.
66. MORNING CHRONICLE, 13 November 1854.
67. GLOBE, 18 November 1854.
68. MORNING CHRONICLE, 13 November 1854.
69. GLOBE, 18 November 1854.
70. IBID.
71. IBID.
72. IBID.
73. MORNING CHRONICLE, 13 November 1854.
74. GLOBE, 18 November 1854.
75. MORNING CHRONICLE, 13 November 1854.
76. IBID.
77. IBID.
78. IBID.
79. GLOBE, 18 November 1854.
80. MORNING CHRONICLE, 13 November 1854. GLOBE, 18 November 1854, indicates that Mr. Holton moved that the Bill concerning the Commercial Bank of the Midland District be the second order "for to-day".
81. TORONTO DAILY LEADER, 18 November 1854. GLOBE, 18 November 1854, however reports: "Mr. Cauchon opposed the motion, as the notice given was that it should be the second order for to-morrow."
82. MORNING CHRONICLE, 13 November 1854.
83. TORONTO DAILY LEADER, 18 November 1854.
84. GLOBE, 18 November 1854.
85. MORNING CHRONICLE, 13 November 1854.
86. TORONTO DAILY LEADER, 18 November 1854.
87. IBID.
88. MORNING CHRONICLE, 13 November 1854.
89. GLOBE, 18 November 1854.
90. TORONTO DAILY LEADER, 18 November, which also indicates that Mr. Mackenzie spoke "at seven o'clock, after the dinner hour adjournment".
91. TORONTO DAILY LEADER, 18 November 1854.
92. IBID.
93. GLOBE, 18 November 1854.
94. TORONTO DAILY LEADER, 18 November 1854.
95. GLOBE, 18 November 1854.
96. TORONTO DAILY LEADER, 18 November 1854.

97. IBID.
98. GLOBE, 18 November 1854.
99. TORONTO DAILY LEADER, 18 November 1854.
100. GLOBE, 18 November 1854.
101. IBID.
102. TORONTO DAILY LEADER, 18 November 1854.
103. MORNING CHRONICLE, 13 November 1854.
104. TORONTO DAILY LEADER, 18 November 1854.
105. IBID.
106. IBID.
107. IBID.
108. GLOBE, 18 November 1854.
109. IBID.
110. TORONTO DAILY LEADER, 18 November 1854.
111. IBID.
112. GLOBE, 18 November 1854.
113. TORONTO DAILY LEADER, 18 November 1854.
114. GLOBE, 18 November 1854.
115. IBID.
116. IBID.
117. IBID.
118. TORONTO DAILY LEADER, 18 November 1854.
119. GLOBE, 18 November 1854.
120. TORONTO DAILY LEADER, 18 November 1854.
121. IBID.
122. GLOBE, 18 November 1854.
123. TORONTO DAILY LEADER, 18 November 1854.
124. IBID.
125. GLOBE, 18 November 1854.
126. TORONTO DAILY LEADER, 18 November 1854.
127. GLOBE, 18 November 1854.
128. IBID.
129. TORONTO DAILY LEADER, 18 November 1854.
130. GLOBE, 18 November 1854.
131. TORONTO DAILY LEADER, 18 November 1854.
132. GLOBE, 18 November 1854.
133. TORONTO DAILY LEADER, 18 November 1854.
134. IBID.
135. GLOBE, 18 November 1854.
136. LE PAYS, 18 November 1854.
137. GLOBE, 18 November 1854.
138. TORONTO DAILY LEADER, 18 November 1854.
139. GLOBE, 18 November 1854.
140. TORONTO DAILY LEADER, 18 November 1854.
141. GLOBE, 18 November 1854.
142. TORONTO DAILY LEADER, 18 November 1854.
143. GLOBE, 18 November 1854.
144. NORTH AMERICAN WEEKLY, 22 November 1854.
145. MORNING CHRONICLE, 13 November 1854.
146. GLOBE, 18 November 1854.
147. MORNING CHRONICLE, 13 November 1854.
148. GLOBE, 18 November 1854.
149. TORONTO DAILY LEADER, 20 November 1854.
150. GLOBE, 18 November 1854.

151. TORONTO DAILY LEADER, 20 November 1854.
152. IBID.
153. IBID.
154. IBID.
155. LE PAYS, 18 November 1854.
156. MORNING CHRONICLE, 13 November 1854.
157. LE PAYS, 18 November 1854.
158. GLOBE, 18 November 1854.
159. TORONTO DAILY LEADER, 20 November 1854.
160. GLOBE, 18 November 1854.
161. TORONTO DAILY LEADER, 20 November 1854.
162. GLOBE, 18 November 1854.
163. IBID.
164. MORNING CHRONICLE, 13 November 1854.
165. TORONTO DAILY LEADER, 20 November 1854.
166. GLOBE, 18 November 1854.
167. TORONTO DAILY LEADER, 20 November 1854.
168. GLOBE, 18 November 1854.
169. TORONTO DAILY LEADER, 20 November 1854.
170. GLOBE, 18 November 1854.
171. TORONTO DAILY LEADER, 20 November 1854.
172. GLOBE, 18 November 1854.
173. TORONTO DAILY LEADER, 20 November 1854.
174. IBID.
175. IBID.
176. IBID.
177. LE PAYS, 18 November 1854.
178. TORONTO DAILY LEADER, 20 November 1854.
179. GLOBE, 18 November 1854.
180. TORONTO DAILY LEADER, 20 November 1854.
181. IBID.
182. GLOBE, 18 November 1854.
183. TORONTO DAILY LEADER, 20 November 1854.
184. GLOBE, 18 November 1854.
185. TORONTO DAILY LEADER, 20 November 1854.
186. IBID.
187. IBID.
188. GLOBE, 18 November 1854. LE PAYS, 18 November 1854, indicates that Mr. Gould opposed the Bill.
189. TORONTO DAILY LEADER, 20 November 1854.
190. IBID.
191. GLOBE, 18 November 1854.
192. TORONTO DAILY LEADER, 20 November 1854.
193. GLOBE, 18 November 1854.
194. TORONTO DAILY LEADER, 20 November 1854.
195. GLOBE, 18 November 1854.
196. IBID.
197. TORONTO DAILY LEADER, 20 November 1854.
198. GLOBE, 18 November 1854.
199. IBID.
200. TORONTO DAILY LEADER, 20 November 1854.
201. GLOBE, 18 November 1854.
202. IBID.
203. TORONTO DAILY LEADER, 20 November 1854.

- 204. GLOBE, 18 November 1854.
- 205. TORONTO DAILY LEADER, 20 November 1854.
- 206. GLOBE, 18 November 1854.
- 207. TORONTO DAILY LEADER, 20 November 1854.
- 208. IBID.
- 209. IBID.
- 210. GLOBE, 18 November 1854.
- 211. TORONTO DAILY LEADER, 20 November 1854.
- 212. GLOBE, 18 November 1854.
- 213. TORONTO DAILY LEADER, 20 November 1854.
- 214. IBID.
- 215. MORNING CHRONICLE, 13 November 1854.
- 216. IBID.
- 217. IBID.
- 218. IBID.
- 219. TORONTO DAILY LEADER, 18 November 1854.
- 220. MORNING CHRONICLE, 13 November 1854.
- 221. TORONTO DAILY LEADER, 18 November 1854.
- 222. GLOBE, 18 November 1854.

FRIDAY, 10 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--
By Mr. Niles,--The Petition of James Wetherall and others, of the Township of London.

By Mr. Solicitor General Smith,--The Petition of the Municipality of the Township of Kingston.

By the Honorable Mr. Spence,--The Petition of the Reverend John Forteous and others, of the Township of Beverly, County of Wentworth; and the Petition of George Whetham and others, of the Township of Beverly, County of Wentworth.

By Mr. Murney,--The Petition of Hugh Blair and others, of the Township of Madoc; and the Petition of C.A. McConnell and others, of the Township of London.

By Mr. Jackson,--The Petition of Owen Sound Division, No. 193, of the Order of the Sons of Temperance.

By Mr. Foley,--The Petition of John Scott and others, Officers and Trustees of the Berlin Mechanics' Institute.

By Mr. Egan,--The Petition of R.D. Ackert and others, of the Townships of Buckingham and Lochaber, County of Ottawa.

Pursuant to the Order of the day, the following Petitions were read:--

Of J.B. Revais and others, Sons of Temperance, and others; of Z. Burnham and others, of the Township of Whitby, County of Ontario; of the Reverend Duncan McMillan and others, of the Township of Aldborough, County of Elgin; of Michael Johnston and others, Sons of Temperance, and others; of the Reverend James Ferguson and others, of the Presbyterian Church of Kincardine; of Eleonore D. Clark[e] and others, Mothers, Wives, and Daughters, of the Village of Bradford and vicinity, Township of West Gwillimbury; of W.C. Adams and others, of the Township of West Gwillimbury; and of Aaron Choult and others, of Lorryton and vicinity, in the Township of Hope; praying for the passing of a Prohibitory Liquor Law.

Of B.C.A. Gugu, Esquire, Seigneur of the Fiefs Grandpré, Grosbois, and Dumontier; praying for the abolition of the Seigniorial Tenure, on certain conditions as submitted by him.

Of M. Lemonde and others, of the Parish of St. Jean Baptiste, County of Rouville; praying for the passing of the Bill to repeal the Ordinance 3 & 4 Vic. c. 25, relating to Winter Roads in Lower Canada.

Of the Ladies' Benevolent Society of Montreal; praying for aid.

Of the Municipal Council of the County of Simcoe; praying for the passing of an Act to compel the Ontario, Simcoe, and Huron Railroad Company to fence in their line of Road without being so required by the owners of land along the said line of Road.

Of the Municipal Council of the County of Simcoe; praying for an increased Jurisdiction of the Division Courts in certain cases, and for the right of Appeal therefrom to the Superior Courts of Queen's Bench and Common Pleas.

Mr. Curtier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Quebec and

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Saguenay Railway Company, and have made several amendments thereto, which they humbly submit for the adoption of Your Honorable House.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of William Gamble, on behalf of the President, Directors and Company of the Humber Harbour and Road; and of W.L. Kimmond and P.L. Kimmond of Montreal, Locomotive and Marine Engine Manufacturers, and find the Notices sufficient.

On the Petition of Lewis Rose and others, of the County of Stanstead, for an Act of incorporation for the St. Francis Bank, it appears that Notices have been published in the Stanstead Journal, Montreal Gazette, and Canada Gazette, but only since the 26th of October last; the matter has however, been under the notice of Your Honorable House for some time during the present Session, and has no doubt been brought sufficiently under the notice of the public; under these circumstances, as it is not of such a nature as to affect private rights, Your Committee beg leave to recommend a suspension of the 62nd Rule.

The Petitions of the Grand Division of Canada East of the Order of the Sons of Temperance, for an Act of Incorporation; and of the Roman Catholic Institute of St. Roch's, Quebec, for amendments to their Act of Incorporation, are not of such a nature as to require the publication of Notice.

On motion of Mr. Loranger, seconded by Mr. Sidney Smith,

Ordered, That the Select Committee on the Lenox and Addington Election Petition have leave to adjourn until Monday the twenty-seventh day of November instant, if the House be still sitting, and if not, until the first day subsequent to its first meeting after the adjournment or prorogation, for the purpose of facilitating to the Petitioner and the Sitting Member an understanding as to the Commissioner to be appointed to execute a Commission ordered by the Committee for the examination of Witnesses in Upper Canada, and to procure the assent of the said Commissioner.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act incorporating the Commissioners of the Port Hope Harbour, and to authorize them to borrow a further sum of money for the completion thereof, and have agreed to report the same without any amendment.

On motion of Mr. Terrill, seconded by Mr. Jackson,

Ordered, That the 62nd Rule of this House be suspended as regards the Petition of Lewis Rose and others, of the County of Stanstead.

Ordered, That Mr. Terrill have leave to bring in a Bill to incorporate the Saint Francis Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Hartman have leave to bring in a Bill to renew the Charter of the Humber Harbour Company.

He accordingly presented the said Bill to the House, and the same was

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received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Bowes have leave of absence for ten days, on urgent private business.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the Petition of B.C.A. Gagy, Esquire, Seignior of the Fiefs Grandin, Grosbois, and Dumontier, be printed for the use of the Members of this House.

Ordered, That Mr. Gamble have leave to bring in a Bill to confer a Charter on the Millers' Association of Canada West, with Banking privileges.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Larwill have leave to bring in a Bill to enable the Board of School Trustees of the Town of Chatham to dispose advantageously of a lot of Land appropriated for School purposes in that Town.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of MR. J. SMITH of Victoria,¹

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Ordered, That the Bill to amend the Act incorporating the Commissioners of Port Hope Harbour, and to authorize them to borrow a further sum of money for the completion thereof, be committed to a Committee of the whole House, for Monday next.

Joseph Laporte, Esquire, Joseph Hartman, Esquire, William Locker Felton, Esquire, Alexander Tilloch Galt, Esquire; Chairman, Angus Morrison, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Saguenay, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Saguenay be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Ten in the forenoon.

Ordered, That the Select Committee on the Drummond and Arthabaska Election Petition have leave to adjourn until Monday the eleventh day of December next, at the hour of Ten in the forenoon, the Committee having granted that delay upon the application of the Counsel for the Petitioner by consent of the Sitting Member, for the delivery of the Lists of objected Votes, on the ground of the distance of the United Counties from the Seat of Government.

MR. AT. GEN. J.A. MACDONALD moved the Order of the Day for going into Committee of the Whole on the Clergy Reserve Bill².

After a short discussion about the march stolen on the House by the Government a few days ago, by which they succeeded in preventing discussion on some of

the features of the Bill, the motion was agreed to, and the House went into Committee accordingly.³

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The Order of the day for the House again in Committee on the Bill to make

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better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, being read;

MR. AT. GEN. J.A. MACDONALD said--It had been alleged in certain newspapers that the Government had played a trick upon the hon. member for Peterborough. This was a mistake, for this bill had been brought up by him (Mr. M.) in the regular course, and if he had not done so, the bill would have been passed by for the evening. He (Mr. M.) could not be accountable for the absence of members from the House. The hon. gentleman then read the first clause of the bill and remarked that it involved the question, whether a special fund should be kept up to pay the stipends of the incumbents. That question had been fully discussed upon the motion to give instructions to this Committee, when he gave his opinion that if the stipends of incumbents were not preserved, that the requirements of the Imperial Act would be violated, and that the bill would be declared null and void. As this question had been fully discussed, he would not again enter into it, but he would move the adoption of the first clause.⁴

MR. GALT said as the principle had been adopted of dividing the fund between Upper and Lower Canada, he would move an amendment to extend that principle to the different parts of Lower Canada. These lands lay in the townships, and the population that lived there had given them their present value; the inhabitants of the seigniories having done nothing to increase the value. He would therefore move⁵ in amendment to the 1st clause, that the word "Townships" be added after the word "Canada" in the 40th line,⁶ to call the Lower Canada Fund, the Townships Municipalities Fund,⁷ which would have had the effect of affirming the principle that the Clergy Reserves in Lower Canada should only be divided among the townships where they actually existed, instead of the Seigniories being allowed to share in the proceeds according to the provisions of the Bill.⁸

MR. CARTIER--Was surprised that the honble. member for Sherbrooke was bold enough to bring forward such an amendment (hear, hear).⁹ Such a proposition was unjust.¹⁰ He (Mr. C.) would never, as a Lower Canadian, have tried to disturb the settlement of the Clergy Reserves in Upper Canada, and they only were disturbed by the pressure of opinion prevailing in Upper Canada. He objected to the motion of the honble. member for Sherbrooke,¹¹ [and] he wished the House to understand that the motion of the hon. gentleman was directed against the French Canadians in the seigniories. It was not true that the inhabitants of seigniories had done nothing to give value to the Clergy Reserves. They had made roads through the Townships, and cleared the country.¹² The member for Sherbrooke ought to know the public funds had been liberally voted by the House of Assembly of Lower Canada before the Union to settle the townships and he considered it unfair that the French Canadians in the Seigniories, against whom the amendment was directed, should not be permitted to derive benefit from the Reserves as well as the people in the townships. Something else might have been expected in return for the liberality of the House of Assembly in making a railroad through the very centre of the townships, through the whole extent of territory from Point Levi to Melbourne.¹³

MR. FERRES.--How do you make that out?¹⁴

MR. CARTIER.--I did not mean to speak of the railroad. I spoke of the road.¹⁵

MR. SANBORN.--There is no road except the railroad from Point Levi to Melbourne.¹⁶

MR. CARTIER said he forgot the name of the road, but he did not forget the fact that a large sum of money had been extracted from the public exchequer to make a road through those townships. And he could not forget that in those days there was a sort of Anti-French Canadian feeling, to prevent the French Canadians from going into the townships¹⁷. The British American Land Company had been formed to carry out that policy of exclusion,¹⁸ but fortunately those days had gone by, and now they saw that French Canadians were settling the townships just as fast as others. The member for Sherbrooke should be aware that at one time in Lower Canada the French Canadians were the only contributors to the public exchequer. They settled their own lands without getting pecuniary succour from any one, but afterwards a portion of the money contributed by them to the public exchequer was given to promote the settlement of the townships.¹⁹ Large sums were extracted from it [the exchequer] to make roads in the Townships, and to benefit them. Lower Canada by the present bill would be entitled, if these Reserves were secularized, to a share of that property which could not be said to belong exclusively to the Townships of Lower Canada.²⁰ It was now proposed to deny any portion of this fund to the French Canadians, because the seigniories had been settled first.²¹ If there was any one entitled to be benefitted (*sic*) by the Secularization of the Reserves in Lower Canada, it should be the settlers of the country. He hoped the hon. member for Sherbrooke would withdraw his amendment.²²

MR. FERRES said the member for Vercheres (Mr. Cartier) had attempted to make this a French Canadian and English Canadian question. But, had he been acquainted with the locality he spoke of,²³ the townships as well as the seigniories, he would find out that the whole of the money that he had just alluded to was laid out in townships²⁴ principally settled by French Canadians²⁵ since they had quit-
ted their seigniories.²⁶ He (Mr. Ferres) was very glad to see them leaving the Seigniories and going into Townships, but he did not think they should be paid by the Government for doing so. They ought to go into the woods with their axes over their shoulders to cut out their own way to competence, as the English settlers were left to do. He contended, however, that this was no matter of nationality at all, but simply one of locality.²⁷ The hon. member for Vercheres did wrong in referring to national prejudices in connection with this question.²⁸ The locality where those Reserves existed, and the settlement of which they had impeded, should be the locality to receive benefit from their distribution.²⁹ Several of the Townships which the hon. gentleman had referred to as having had roads made through them at the expense of the French Canadians were settled not by British but by French Canadians. This was true of the townships of Inverness, Arthabaska, and Halifax.³⁰ Halifax, Woodstone, Somerset, &c., were townships inhabited almost entirely by French Canadians.³¹ But it was of no consequence of what origin the settlers were³². The Seigniories had furnished nothing to the Reserves, and therefore they were not entitled to any portion of the funds accruing from them.³³ Those municipalities in Lower Canada should have for their share the reserves situated within their limits.³⁴ If the Seigniories would give up their Reserves, and throw all their ecclesiastical property into the same fund as the Clergy Reserves, and make an equitable division of the whole, he should

have no objections, but unless they consented to this he could not see with what propriety they could claim share of the Townships' Reserves³⁵ (hear, hear.)³⁶.

MR. SANBORN also supported the amendment.³⁷ The hon. member for Vercheres had been very injudicious in looking at the subject in a national point of view.³⁸ There was now no prejudice between the two races where they lived together.³⁹ This was purely a question of localities.⁴⁰ The ministry, he said, had established the principle of distribution according to locality, by providing that the proceeds of the Reserves in Upper Canada should be divided in Upper Canada, and those of the Lower Canada Reserves in Lower Canada. Why did they not carry out the same principle, by saying that the proceeds of the Reserves in the Eastern Townships should be divided among the Townships, and not among the Seigniories?⁴¹ Upon what ground were the municipalities of Lower Canada to abandon the principle of localities?⁴² If these reserves were put into the consolidated revenue he could understand the objection to the amendment.⁴³ The only reason that gave Upper Canada a title to a share in the reserves fund, was that the reserves were there. But why should a distribution of it be made to those portions of Lower Canada where no reserves are situated? The benefits that had been granted to the townships, mentioned by the honble. member for Vercheres, were given, not for the benefit of the people residing in the Townships, but to assist those who emigrated to them; and it had been for the benefit of that race to which the honble. member belonged.⁴⁴ The Townships were to be called upon, with the rest of Canada, to bear the burthen of the Seigniorial tenure commutation, and on both questions they were to be made a convenience of--⁴⁵ their interests were not only treated with indifference, but were sacrificed--He (Mr. Sanborn) would call upon the Attorney General for Lower Canada, who represented a Township constituency, to state if he felt he would be doing justice to his constituents by the course that he (the Attorney General) advocated? He hoped that that honble. gentleman would show better reasons than the hon. member for Vercheres had.⁴⁶

MR. AT. GEN. DRUMMOND said it would be a very dangerous thing to adopt this proposed mode of legislating by sections. They were compelled in many cases to do so for Upper Canada and Lower Canada, but if they were to subdivide Lower Canada into sections and have different legislation for each, their legislation would soon become so confused that people would not know what to make of it. If the argument were good in reference to Lower Canada that only the Townships where the Reserves were situated should receive the benefit of them, it would apply with equal force to Upper Canada, and they would only divide the funds among those Municipalities where the Reserves lay, instead of apportioning them equitably among the whole of them.⁴⁷ He (Mr. D.) thought, that by looking back to the origin of the Reserve, it would be seen that the portion of them lying in Upper Canada was intended to be devoted to the support of a Protestant clergy in Upper Canada, and for a like purpose in Lower Canada.⁴⁸ He would greatly regret to see anything placed upon the statute book that would draw a line of division between the Townships and the seigniories. The time was coming when the French Canadians would soon be a majority in the townships and,⁴⁹ the fact was, that everything that might be done for the Eastern Townships at this moment, would benefit the French Canadian race, if not more than the Anglo-Saxon. He (Mr. D.) was quite willing to give to the hon. member for Sherbrooke credit for having been the means of contributing more than any other individual, in directing the stream of emigration towards that part of the country. He had made great efforts to induce French Canadians to settle there, and the emigration was now pouring into these Townships from the Seigniories.⁵⁰ He thought,

however, that some appropriation should be made to the Eastern Townships in return for their contribution to the Seignioral Indemnity⁵¹. He thought it desirable that the Tavern License fund⁵² in the Townships,⁵³ which it was proposed to apply towards the extinction of the seigniorial tenure, as soon as it was relieved from further contributions [to] the fund for the construction of the Montreal Court House, should be appropriated for the benefit of the Townships, and he intended to make a proposal of that kind when the Seigniorial tenure question came up.⁵⁴

MR. COM. CR. LANDS MORIN (in French) expressed himself much to the same effect as the hon. Mr. Drummond.⁵⁵

MR. BOWES said--It was universally admitted that this was an improper amendment, and to divert these Reserves from the purposes to which they had been appropriated, would be an injustice to the country. It would appear to be a very specious argument to hold that the fund should not only be given to the Municipalities possessing Clergy Reserves in them; but it was not a sound argument, for the Reserves belonged unquestionably to every individual in the country, according to the intention of the Imperial Parliament.⁵⁶ If these monies were placed in the consolidated revenue, they would then belong to every individual in the country.⁵⁷ Such a resolution as that proposed by the hon. member was a very dangerous one and calculated to mislead hon. members of the House, if they did not look back to the object the Imperial Parliament had in view in granting these Reserves. His (Mr. Bowes') opposition to the entire Bill was well known, but he would be also opposed to any amendment calculated to do injustice to any individual either in Upper or Lower Canada. The funds should be kept separate, and he concurred in the provisions of the Bill so far as that went, but it would be wrong to divert these funds in any way from the purposes for which they were given--namely, to be the property of every inhabitant of Canada.⁵⁸

MR. GAMBLE.--The great principle of the grant having been violated,⁵⁹ it was a matter of perfect indifference to him how those funds were disposed of. The present contest on that point was just the very thing that might have been anticipated to follow the violation of the great principle which should have kept the Reserves devoted to sacred uses. English and French Canadians⁶⁰, Townships and Seigniories were banded together to destroy that which was originally intended for holy purposes. They had conspired to rob the Church (Hear, hear.) devoted to teach them good precepts; to love one another and the common result of this banding together had been that they had quar[r]elled over the spoils. He was altogether opposed to this Bill, but the principle having been decided by so large a body in that House, he did not feel disposed to offer any factious opposition to the details of the Bill.⁶¹ He thought it best in this matter to hold to the old adage of "honour among thieves," and let all share and share alike⁶² without reference to Townships or Seigniories.⁶³

MR. GALT said if the hon. gentleman carried out his principle of sharing and sharing alike, he would like to know how Upper Canada was to keep her shares of the Reserves. The hon. Attorney General laid it down, that it was very good to divide among sections, but very bad to divide among sub-sections.⁶⁴

MR. FELTON desired to know to what Township it was intended to give these funds. Did the mover of the amendment intend to include townships which were partly in the Seigniories, or to confine himself to those that were entirely out of the Seigniories?⁶⁵ [He] hoped that the hon. member would not press his amendment.⁶⁶

MR. AT. GEN. DRUMMOND did not recognize any division between the Townships and the Seigniories; but the division between Upper and Lower Canada, was a legal division established by the Union act.⁶⁷

MR. J. DORION (Drummond) said that according to the principle of the Administration, the Reserves ought to be distributed in the localities in which they were formed. That would be especially carrying out the principles of the bill.⁶⁸

MR. SOL. GEN. D. ROSS. The Clergy Reserves in Upper Canada being given to the municipalities, and those in Lower Canada to the Townships, was perfectly fair. The hon. member for Sherbrooke did not consider that his amendment, if adopted, would exclude all the Protestants not in the Townships from participating in any fund derived from the Clergy Reserves.⁶⁹ Had he the figures showing how many Protestants lived in the Townships, and how many out of them?⁷⁰

MR. GALT.--It was the business of the government to furnish that information.⁷¹

MR. SOL. GEN. D. ROSS.--The government did not sustain the proposition which the hon. member had brought forward; it was for him to do that.⁷²

MR. FERRES.--This is not a religious question.⁷³

MR. SOL. GEN. D. ROSS.--In the abstract this was not a question of religion; but so far as the funds were originally (sic) set apart for a Protestant Clergy, it was a question of religion.⁷⁴ It was as the hon. member for Sherbrooke had put it, that the Protestants in the Townships ought to have the benefit of the Reserves within their limits.⁷⁵ Now there were only 59,000 protestants in the Townships, and 83,000, some two-thirds more, out of the Townships.⁷⁶

MR. GALT had not brought in the words Protestant or Catholic⁷⁷. He was aware there were a great many Roman Catholics there [in the Townships].⁷⁸ As there was to be a division between Upper and Lower Canada, there ought also to be between the Townships and the Seigniories.⁷⁹

MR. SOL. GEN. D. ROSS said: This was a question of Protestantism as far as the Clergy Reserves went, which were appropriated to the Clergy of the different Protestant churches in Upper Canada, and the Reserves in Lower Canada were to be distributed among the Protestants, whether in or out of the Townships.⁸⁰

MR. GALT had not brought forward a religious argument at all.⁸¹

MR. SOL. GEN. D. ROSS.--The honorable gentleman sustained the proposal to apply the Reserves to all the municipalities in Upper Canada; and it was for him to explain why it was that he sustained the exceptional proposition as regarded Lower Canada and sought to confine the distribution of the fund in Lower Canada to a portion of the municipalities?⁸² There was injustice committed in taking away the property from the Townships, and distributing it throughout Lower Canada generally.⁸³

The amendment of the hon. member for Sherbrook[e] was afterwards put and lost⁸⁴, only about half-a-dozen voting for it.⁸⁵

MR. A. DORION of Montreal, seconded by MR. GALT, then moved the following amendments;--

1st. That all the funds and property known as the Clergy Reserves, be merged into the funds of the consolidated Revenue and the public domain of the Province.

2ndly. That the consolidated Revenue be charged with the future payments of all stipends already granted to the Clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in Canada (to which the faith of the Crown is now pledged) during their natural lives, or during the charges of those who now receive the same.

3rdly. That one half of the sum at which the said Clergy Reserves property shall be valued, after deduction from the amount thereof of the said stipends and allowances, shall be added to the Common School Fund of this Province.

4thly. That the other half be divided according to population within each Municipality, the proportion accruing to Upper Canada and to the Townships of Lower Canada to be paid to the Municipalities of Upper Canada, and to those within which the said Townships of Lower Canada are situated, and by them, applied to local purposes, and the portion accruing to the inhabitants residing in the Seigniories to be applied to the redemption of the Seigniorial tenure.⁸⁶

After a short discussion, the above amendments were lost on a division, and the first clause of the bill adopted without any alteration.⁸⁷

On motion of MR. AT. GEN. J.A. MACDONALD the word "therein" in the preamble, 2d page, 50th line, was changed to "then."⁸⁸ [He] then moved the adoption of the second clause, which he said, recites the words of the Imperial Act. The annual stipends or allowances which had been, before the passing of the Act of the Parliament of the United Kingdom, last cited in the Preamble to the Act, assigned or given to the Clergy of the Churches of England and Scotland, or to any other religious bodies, or denominations of christians in either section of the Province, and chargeable under the Act of the said Parliament on the Clergy Reserves in each section and to which the faith of the Crown is pledged, shall, during the natural lives or incumbencies of the parties now receiving the same, be the first charge on the municipalities fund for that section of the Province, and shall be paid out of the same in preference to all other charges or expenses whatever. He would move that the word "now" be struck out and that after the words "receiving the same," the words "at the time of the passing of the said act" [be inserted]. He would move the adoption of that amendment.--The amended proviso to the second clause, he would read, "provided, always, that in any case, where such annual allowance as aforesaid is payable, not to an individual, but to a religious body or denomination, such allowance shall continue to be payable during (--) years after the passing of this act!" That proviso, he would state for the information of the House, was added for the purpose of providing for the British Wesleyan Methodist Church for Indian Missions, and the Roman Catholic Church in Upper Canada.--But in neither of these bodies were there any incumbents strictly speaking, and as it had been suggested that there was a vagueness in the meaning of "religious bodies," the proviso would be made to read thus, "provided always, that the annual allowance heretofore payable to the Roman Catholic Church in Upper Canada, and to the British Wesleyan Methodist Church for Canadian Missions, shall continue to be payable during the twenty years next, after the passing of this act, and no longer."⁸⁹

MR. WILSON objected to the blank being filled up with "twenty years." It might be difficult to shew to what particular incumbents these monies were given; but if they took the average number of years that persons entitled to the fund would live, twenty years would be too long a time to give.⁹⁰ He considered 12 or 13 years would be sufficient.⁹¹

MR. AT. GEN. J.A. MACDONALD said the payments for 20 years were only worth 11½ years' purchase.⁹²

MR. GALT said that his calculation of the effect of the clause was different from that of the Attorney General. The value of £1, paid annually for 20 years was £36.⁹³

After some further conversation, no amendment being offered, the second clause was adopted, as amended by the Attorney General.⁹⁴

The Clerk then read the third clause.⁹⁵

MR. AT. GEN. J.A. MACDONALD then moved the adoption of the third clause, which he said he had amended so as to meet the objections to commutation with bodies, that by receiving a large fund they might build up endowments as large as ever. He thought there was a great deal of force in those objections⁹⁶, and in consequence, to avoid injustice, he would move⁹⁷ "that the word 'or' in the 33d line be erased and the word 'and' substituted; and from the word 'or,' on the 36th line to the word 'denomination' on the 39th line be erased, and the word 'religious' in the same line be also erased, and the word 'the' substituted;⁹⁸ [that is,] that the words 'or upon an average not exceeding (--) years purchase on the lives of all the incumbents entitled, belonging to the same religious denomination' be struck out;⁹⁹ also that the words 'at years' purchase,' in the 40th line be erased and the words 'above particularly specified in the second section hereof at the actual value of the said allowance, at the time of commutation, to be calculated at the rate aforesaid' [substituted]; also that the letter 's' at the end of the words 'stipends or allowances' be erased¹⁰⁰". After this, he proposed to make the clause read, thus, "and in the case of the Bodies above particularly specified in the second Section hereof at the actual value of the said allowance at the time of the commutation to be calculated at the rate aforesaid, and such commutation shall be paid accordingly out of that one of the Municipalities Funds upon which such stipend or allowance is respectively made chargeable by this Act. Provided always that no commutation shall take place but within one year next, after the passing of this Act. Provided also, that in case of commutation with any or either of the said Bodies or Denominations, it shall not be lawful for them, or either of them to invest the monies paid for such commutation or any part thereof in real estate, or property of any kind whatsoever, under penalty of forfeiture of the same to Her Majesty, and that the said bodies or denominations shall lay before the Legislature, whenever called on so to do, a statement of the manner in which said money shall have been invested or apportioned."¹⁰¹ He found considerable objection to group all the lives of the incumbents, and he admitted the force of the objection.¹⁰² The commutation was to be effected with the consent of the parties and bodies severally interested, by taking the value of the allowances at the rate of 6 per cent per annum upon the probable life of each individual, and in the case of religious bodies at the actual value of the allowances at the time of commutation, calculating at the rate of 6 per cent.¹⁰³

DR. CHURCH felt it to be his duty to move a resolution against that commutation clause. Instead of putting an end to the evils which now existed, it only tended to perpetuate them. (Hear, hear.) He moved therefore in amendment that the third clause be totally expunged from the Bill. (Hear, hear.)¹⁰⁴

MR. BIGGAR seconded Dr. Church's amendment.¹⁰⁵

MR. MACKENZIE said there was every reason why that clause should be struck out. Hon. gentlemen on the Treasury Benches said that they had adopted the measures of the last Administration. Why did they attempt by such pretences to deceive the House and the country¹⁰⁶? The Clergy Reserves Bill of the late

ministry, published by the Queen's printer, in June last, had not a word about commutation in it.¹⁰⁷ [He] wanted to know if it was not enough to give to these incumbents all that the Imperial Act gives them, without the Administration setting up an usury shop for the accommodation of the incumbents to commute.¹⁰⁸ He read about the money-changers having been turned out of the temple, but the gallant Knight now proposed to establish a money-changing shop for all those priests. Such a system of brokerage, by which the unfortunate priests¹⁰⁹, [OR] Archbishops¹¹⁰, would have to come to jabber and haggle with the gallant Knight for their pensions, would be a disgrace to the country.¹¹¹ The bishops were to receive this favor for teaching us the path to heaven.¹¹² Why were these men to be paid in advance, at the rate of 11½ years, for preaching they might never do?¹¹³ He was perfectly willing to secure them their stipends for the remainder of their lives, so long as they performed their duties, but he could not accede to the idea of paying them beforehand for their prayers and preaching for 20 years to come.¹¹⁴

MR. POST. GEN. SPENCE, for the first time, had heard the honorable member for Haldimand discuss this question from religious aspects. He (Mr. S.) together with many other Reformers of Upper Canada, had always discussed the matter as a great social and political evil.¹¹⁵ There was very little force in the objection of the member for Haldimand, that this bill was not precisely similar to the one introduced by the late administration. He did not think this House would support the hon. member's view of the case, for it was quite possible to improve on a principle. Secularization was the principle of the bill of the late administration and it was the principle adopted by the present administration, and the principle being the same, if the present bill was more perfect than any heretofore introduced, he thought the present administration would receive credit for it at the hands of the country. The great object of this bill was to settle now and forever, if possible, a question which had agitated this country for thirty-seven years; and if the combination clause were put in the bill, the whole question would still be left open for agitation. In Upper Canada the question had never been regarded as a pounds, shillings and pence point of view. It had never been regarded in a cheese-paring point of view. There had never been much thought of the mere amount of money doled out to the Church of England or the Church of Scotland, or the Wesleyans, or in regard to the amount the people would save by the abolition of the Clergy Reserve fund. It was rather regarded¹¹⁶, by the people of Upper Canada¹¹⁷, as a great political evil, calculated to place those who received state support in a position superior to all others, and its removal was sought from a desire to place all religious denominations on the same footing of equality. But the most prominent evil connected with the Clergy Reserves was the constant agitation that they caused in the country, and it was now the desire of the people of Upper Canada that that agitation should cease.¹¹⁸ Reformers had not envied the Churches of England or Scotland. He (Mr. S.) never heard any expression of feeling among intelligent Reformers made similar to that of the honorable member for Haldimand that night.¹¹⁹ If the commutation clause was taken away, he did not see what would be gained, and he could not appreciate the force of the objections raised against it by the hon. member for Haldimand. He did not see how the ministers would be less favourably situated by being permitted to commute their allowances at once, than if they continued to come half-yearly to have their pitiful pittances doled out to them from the public crib. He thought the House would see the importance of at once closing up this long-agitated question. It had frequently been charged against a certain party that they had kept this question as a nest egg to enable them to acquire power. Whether that were true or false as regarded previous Governments,

sufficient evidence was given by the present administration that they had no desire to keep alive the question to serve as a hobby-horse to ride at future elections. He maintained that, if this clause were not adopted, they would be as far from finality as ever. If this clause were struck out, he asked hon. gentlemen sent here to settle the question, how they would justify themselves to their constituents for permitting the same evils to continue as in times past, by giving agitators the opportunity of again disturbing the country. Did they think, if the matter were left open, that the Lord Bishop of Toronto would quietly yield to a settlement of this kind? Would the gentlemen in Upper Canada opposed to the restrictive clause protecting the interests of incumbents ... cease to agitate? If this clause were struck out, he would like to know how much they had done to remove this fertile source of agitation? Would it not be continued, with a view to wresting from the British Crown the repeal of the restrictive clause? The question was one not of money, but of principle, and he maintained that without that commutation clause, the bill would not be worth two pence.¹²⁰

MR. MACKENZIE wished to ask the hon. member a question.¹²¹ If the bill of the late administration, which did not contain the commutation clause, was not worth two pence, why did the hon. gentleman go to his constituents¹²², at his election,¹²³ and say that his object in going with the Government was to get that bill carried--a bill [which], according to his own statement, was not worth two pence? (Hear, hear.)¹²⁴

MR. POST. GEN. SPENCE would answer the question.¹²⁵ He had stated to his constituents that the present Government were disposed to carry out the measures of the late Government. He had stated so, and he would like to know whether this Government was not to the best of its ability carrying out the measures of the late administration? (No! no!) He maintained that, so far as the principle was concerned, they were doing so, and he believed the vote of this night would show the opinion of the House that they had improved the measure of the late administration. He had had an opportunity of understanding the state of public opinion in Upper Canada more lately even than the hon. member for Haldimand, and he could assure the House that the people of Upper Canada were not disposed to chaffer about a few thousand pounds in reference to this measure, or to enter into a discussion about the particular clauses or the particular features of an Act which was to dispose of the question. No! The feeling in Upper Canada was just the simple common sense one--settle this question, and we are not very particular as to the machinery. In reference to the expression called in question by the hon. member for Haldimand, he meant that a bill without that clause in it as compared with the bill now before the House would not be worth two pence. Without that clause there would be no guarantee for agitation being put a stop to, and a renewed agitation of this question would be like putting fresh sticks on the fire--it would burn all the keener for the discussion of this session.¹²⁶ The demand in Upper Canada was simply "settle this question."¹²⁷

MR. MACKENZIE.--No matter how?¹²⁸

MR. POST. GEN. SPENCE.--No matter how? Certainly not at the expense of justice; certainly not at the expense of the pledged honor of the Crown to the parties in receipt of their incomes. But the simple demand was to have this question settled without reference to the mere machinery by which it was done; and he warned hon. members of the consequences of resisting a final settlement of this question by voting to strike out the clause providing for commutation.¹²⁹

MR. HARTMAN believed that the people of Upper Canada would not complain of the present Act being based upon the Imperial Act, if it was carried out to the very letter. What they complained of was, that the government introduced into their bill something which was not contemplated in the Imperial Act and which was not desired by the people of Canada. (Hear, hear.) Some of the members of the government professed to have given up the long cherished principles of their life in order to carry out the wishes of the people of Canada, but now they asked the house to go in direct violation of those wishes.--The people of Upper Canada wanted the question settled at once and for ever, but they did not want it settled in the way now proposed--they had never asked that it should be settled at the expense of principle by giving a permanent endowment to those churches. (Hear, hear.)¹³⁰

Yes, yes, from the Opposition side.¹³¹

No, no, from the Treasury Benches.¹³²

[MR. HARTMAN continued:] The clause now under discussion contemplated permanent endowments, and that was what they objected to. (Hear, hear.) The government professed to obviate that objection by saying that the amount given for commutation should not be invested in real estate. But what chance had they of carrying out that provision? How would they be able to prevent it? What was to hinder the churches from first investing it in some other way, and then turning that investment into real estate? (Hear, hear.) To use a vulgar but expressive phrase, the whole thing was emphatically a humbug. The hon. Postmaster General said the people of Canada wanted the question settled at once and for ever, they were not particular as to the mode. He had been informed that the presence of the Postmaster General in the government was a guarantee for the government going right on the Clergy Reserve question. He regretted to find him proving the very reverse, by advocating such a doctrine as that. Instead of the Conservatives having gone over to Reform measures, they found it was the professed Reformers who had gone over to the other side.--(Hear, hear.)¹³³

MR. SOL. GEN. H. SMITH said the hon. member for North York had done injustice to his hon. friend (Mr. Spence). The whole argument of his hon. friend (Mr. S.) tended to this point--that the bill tended more to finality with this commutation clause than without it.¹³⁴ [He] wished to ask the hon. member for North York one question. If there had been no Imperial statute to restrict their legislation on this subject, would not the hon. member have gone for absolute secularization without regard to the rights of existing incumbents?¹³⁵

MR. HARTMAN.--Of course I would.¹³⁶ I did not intend to raise that question, but I do not believe in endowments at all, and for that reason I would have gone for entire secularization. But we are obliged to legislate under the Imperial Act, and I ask that the spirit and intent of that Imperial Act be carried out. You cannot find one part of it in which anything like commutation is recognized.¹³⁷

MR. SOL. GEN. H. SMITH.--If the incumbents chose to commute for a less sum than their salaries would amount to, it was to the advantage of the Municipalities.¹³⁸ Commutation could not be prevented¹³⁹. It was very easy for them to commute,--they could go to any Insurance Company and do so, and if the incumbents were satisfied, agitation would cease. If the incumbents could commute with Insurance Companies, why should not the Government commute with them?¹⁴⁰ It was better that this should be done by the government, as it would close the question at once; saying that the Upper Canada Reformers who support the government

would vote for the commutation clause on the ground that it would close the question at once and for ever. The commutation would relieve the fund destined for the payment of these life claims and permit of an earlier distribution of the funds among the municipalities.¹⁴¹ Commutation was the best feature of the bill, and he (Mr. S.) had had no good argument against it.¹⁴² He thought the house should repose confidence in the government in this matter and give them credit for sincerity.¹⁴³

MR. HARTMAN would only ask, that the spirit of the Imperial Act be carried out. There was no part of the Act that recognized commutation. The commutation clause provided for Church Endowments, and yet the wish of the present Administration was, to do away with all semblance of connexion between Church and State.¹⁴⁴

MR. WILSON thought that if the Church of England had settled these Clergy Reserves years ago, she would have been much more richly endowed than by all she would ever get from them now. He was opposed to this clause of commutation, because he thought that the faith of the Imperial Act, pledged to the recipients, was broken. He argued in favor of paying the stipends yearly, as long as the incumbents lived, but was against commutation.¹⁴⁵ The bill of the late ministry was acceptable to the reformers of the country; but they did not like the commutation clause, because they mistrusted the government.¹⁴⁶ The bill put forth by the late adminis[tra]tion was one which the Reformers of the country adopted as a measure that would satisfy them.--That bill adopted the principle recognized in the English Act, that respect should be paid to the interests of the actual recipients of the fund, to whom the faith of the crown had been pledged, and he considered that that principle was a just one. But the present bill went further and adopted another principle, the principle of commutation, and then the government turned round and asked why the country was not satisfied. The simple reason was, that the country did not give the government that credit for sincerity which the honourable Solicitor General asked for.¹⁴⁷

MR. SOL. GEN. H. SMITH.--Hear, hear.¹⁴⁸

MR. WILSON.--The hon. Solicitor General when on this side of the house used to denounce all Reform measures, but now that he has gone over to the other side, he adopts them all in a lump, and for what? for the sake of office. Did that show much sincerity? And the honorable and gallant knight asked credit for sincerity too!¹⁴⁹ The hon. and gallant knight who had gone through fire and blood to get across the house, would do what he could to save his friends.¹⁵⁰ Had he forgotten the time when he would have set the whole country in fire and blood rather than consent to secularization, and now to get a seat on the Treasury benches he undertook to carry the measure himself? Would the country be justified in placing implicit confidence in his sincerity under those circumstances?¹⁵¹ The incumbents would receive their salaries as a matter of right, and there could be no danger of agitation to take these salaries away.¹⁵² What was the use of the Government commuting with the incumbent, if he could go to an Insurance Office?¹⁵³ Therefore they ought to be paid yearly as long as they live, and as long as they continue to do their work. If their claims were commuted, they might abandon their charge, and leave the country.¹⁵⁴ Then there was the hon. member for North Wentworth (Mr. Spence). There was a common saying that new brooms always swept clean, and that was perhaps the reason why they found the hon. member for Wentworth so loud and determined in his mode of argument, as if he would prevent anything being said against any proposition he enunciated. The

hon. member said he had had enough of agitation. Did he think that his seat in the government was to be a bed of roses? No wonder that he deprecated agitation, but he ventured to say that, after the sentiments he had expressed, there would be agitation enough to make that seat too hot for him. (Hear, hear.) One of the hon. gentleman's arguments was, that it was a pitiful thing to dole out a yearly pittance to those unfortunate men, whose rights were protected by the Imperial Act. He (Mr. Wilson) denied that it was a pitiful thing to dole out their stipends to those who had a right to them, a right recognized by the British crown.¹⁵⁵

MR. POST. GEN. SPENCE.--I merely made the statement by way of contrast with the mode under the commutation scheme.¹⁵⁶

MR. WILSON said the hon. gentlemen (*sic*) had no right to use such words by way of contrast or in any other way at all, when he was speaking of clergymen of the Church of England. The hon. gentleman ought to be more chary in his modes of expression, so long as he occupied the Treasury benches. The Postmaster General argued that there should be commutation to prevent further agitation about the stipends of those clergymen. Would the Reformers of Canada thank them for saying that he suspected their honour so much, that he would endeavour to close the door against the possibility of their withdrawing those stipends, after they were guaranteed by an act of Parliament? And what sincerity was there in the hon. gentleman's lusty advocacy of the former Bill, which he now declared was not worth two pence?¹⁵⁷ Had some new light flashed upon the hon. member for Wentworth, (Mr. Spence), since he supported the bill of the late ministry; and had that new light enabled him to see that that bill would not have been worth two-pence?¹⁵⁸ What mesmeric influence from the gallant Knight had made him open his eyes, and see things in so different a light?¹⁵⁹ The hon. gentleman said he supported the commutation clause from motives of justice and honor. We, on the contrary, oppose it from motives of justice and honor. It was said that if the life claims were left to be paid yearly, there would be an agitation to get rid of them. Let them agitate: a miserable pack of agitators, against the payment of these salaries, could do nothing, and need not be feared.¹⁶⁰ When that declaration that the Bill he used to ... so much was not worth two pence, went to the country, he was afraid the credit given to the hon. gentleman for sincerity would not be very great.¹⁶¹ His constituents ... would doubt his sincerity. The House might fancy that they were legislating for future generations, but they might overthrow all that they now did. There was no finality in this measure.¹⁶²

MR. J. SMITH (Victoria)--The present Bill shewed the manner of disposing of all the Clergy Reserves, but that of the late Administration, only went to dispose of the Revenue and interest.¹⁶³ [He] remarked that it had been said by the hon. member for London, that these incumbents had a right to their salaries. Why then refuse to allow them to do what they like with their own?¹⁶⁴ [He] supported the commutation clause, and maintained that the present Bill was a great improvement on that put forth by the late administration, which was objected to and justly so, because it did not contemplate a final settlement of the question.¹⁶⁵ [He] spoke in favor of ... the amendments of the Hon. Atty. Genl. Macdonald.¹⁶⁶ The hon. Postmaster General was entitled to say that this bill was an improvement on that of the late government. It provided for the distribution of the capital fund, and for the immediate settlement of the claims of the incumbents by commutation; it would place the question beyond the reach of agitation, either by the clergy, or those who would be ready to attack their

salaries; and it was because it thus secured finality, that he intended to vote for commutation.¹⁶⁷

MR. INSP. GEN. CAYLEY spoke in reply to Mr. Wilson['s speech], which he condemned as discourteous and inconsistent; and he told Mr. Mackenzie that if the commutation clause were passed the whole of his capital for agitation would be gone--¹⁶⁸ of what value would be the library (sic) of (sic) scraps of papers that he had kept saved up for the last fifteen years¹⁶⁹? That which he had been agitating upon for years past would be swept away.¹⁷⁰

MR. ROBINSON would take no part in amending a bill in Committee to which he was (sic) entirely opposed. He only desired to reply to one remark made by the hon. member for London. That hon. gentleman had stated that he would not discuss this question in the spirit of the hon. member for Haldimand. The very first sentence uttered by the hon. member for London was quite as bad as anything that had been said by the hon. member for Haldimand, for he (Mr. Wilson) had said it would be much better now if the Church of England had given up all claim to the Reserves long ago. He (Mr. R.) was surprised to hear a gentleman of the talent and intelligence of the hon. member make such a statement as that, because he knew well that the Church of England had no power to give up its claims to the Reserves--neither the Clergy of the Church of England nor that of the Church of Scotland could give up the Reserves which they held--for the benefit of their flocks. The Church of England was not now giving up her claim although the hon. gentleman inferred as much.¹⁷¹

MR. PRES. EX. COUN. MACNAB considered the reference to him by Mr. Wilson very unkind¹⁷². [He] said that, according to the hon. member for London (Mr. Wilson) the country doubted the sincerity of the Government,¹⁷³ [and that] the bill would not be acceptable to the country (sic) because the ministry were suspected. He (Sir Allan) thought the hon. gentleman was just as much suspected. He referred to Mr. Wilson's change in 1849, as a proof that he was not reliable¹⁷⁴. He thought they might well doubt the sincerity of the hon. member for London. That hon. member and himself used to act together in days not far gone by, but on a very trying occasion the hon. gentleman thought proper to leave him. If ever there was an occasion when a man might have expected his friends to stick to him, that was such an occasion, but the hon. member transferred himself to the other side, and was the most active man in opposing the same Government to which he had up to that time adhered. To judge from the tone of the public newspapers,¹⁷⁵ if the newspapers might be taken as any guide of public opinion¹⁷⁶, there was not a man in the House whose sincerity was so much doubted¹⁷⁷, [by] the people of the country¹⁷⁸, as that of the hon. member for London. He believed the Government had a right to say that they enjoyed the good opinions of the people of this country, and judging of public opinion by the newspapers, he thought they enjoyed confidence outside the House just as much as his hon. friend from London.¹⁷⁹ He was quite willing (sic) to place his course besides that of the hon. gentleman before the country.¹⁸⁰ That hon. member had himself hopes of occupying the Ministerial benches, along with Mr. Mackenzie, and should not cast reflections on others.¹⁸¹

MR. MACKENZIE said no--he kept out of bad company. (laughter.)¹⁸²

MR. FREEMAN said the Post Master General's argument had been based on this, that the Bill without the commutation clause would not be worth two-pence. Now, what was the value of the whole Bill, if tested by the operation of this clause, on which its whole worth depended. If they looked into the Bill they would find

that neither the Government nor any one else could enforce the Commutation clause. They had no power of compelling those religious bodies or those Reverend gentlemen to commute. It could only be done within a year, and during the whole of that time it was optional with those Rev. gentlemen to do it or not. Therefore the whole value of the Bill, according to the Postmaster General's argument, was left to depend on the good pleasure of those gentlemen, who, he told the House in the same breath, would not be satisfied with the arrangement, but would agitate against it. (Hear, hear.)¹⁸³ He (Mr. F.) was willing to estimate the value of the bill by this clause. There would be no agitation against the finality of the measure if it passed without this clause. Preserve such portions of the funds as would be necessary to pay these stipends, and that would be a final settlement. Suppose one of these reverend gentlemen goes into the office of the Postmaster General and says "I want to commute." "Well," the hon. Postmaster General will reply, "unless we pay you off, the bill will not be worth two pence; and we wish to make it worth something." They would have to pay, to make it worth something; and that was just the position the clause placed us in. To pay the commutation would lock up a large sum incessantly, and leave less for distribution.¹⁸⁴ The Postmaster General further said that he wanted the question settled to prevent further agitation by the political demagogues who had disturbed the peace of the country. Was the hon. Postmaster General one of those political demagogues who had disturbed the country by the agitation of this question, to acquire power for themselves? He (Mr. Freeman) could not agree with the Postmaster General that the agitation of this question had been kept up with a view to gaining political power. (Hear, hear.) He never would consent that the agitation of this question by the Reformers of Canada was not just. (Hear, hear.) He was opposed to the commutation clause, and if the measure without commutation was not worth two-pence, the hon. Postmaster General would have to pay a good round sum to the religious bodies to induce them to commute, and thereby give value to the measure. (Hear, hear.)¹⁸⁵

MR. DEWITT opposed commutation. If they commuted with those clergymen, they hired them not to preach, but to be idle--they paid them in fact for doing nothing.¹⁸⁶ The House had no guarantee that they would continue to preach.¹⁸⁷

MR. J.S. MACDONALD (Glengary) had thought that the gallant knight had by this time become somewhat hardened under the taunts which were so frequently passing across the House, and that he would have allowed the honest language addressed by the member for London to the member for Frontenac to pass unnoticed. The gallant knight, however, had thought proper to reply, and had brought the same charge against the hon. member for London as he had brought recently against himself (Mr. Macdonald) that he was once a follower of his. He had no doubt the gallant knight could point out dozens who were followers of his once, but who were not so now--who had either left him of their own accord, or whom their constituents would not allow to follow him any longer. And even now the gallant knight maintained his position, not by the strength of his legitimate followers, but of a certain class of Reformers who adhered to him for the time being.¹⁸⁸ The attack of the hon. and gallant Knight on his hon. friend (Mr. Wilson) was most unjust. The hon. and gallant Knight ought not to have accused him of insincerity.¹⁸⁹ The gallant knight had criticized the conduct of the member for London on a former occasion, but he said nothing as to what was the verdict of the country on that conduct. When the hon. member thought he had forfeited the confidence of the party with whom he had acted up

to that period, like a man, he resigned his seat, went back to his constituents, was re-elected, and again took his seat in this House. (Hear, hear.) The gallant knight said that if there was one man more than another whose sincerity was doubted, it was that of his hon. friend behind him, (Mr. Wilson.) He asked Reformers to contrast that with the conduct of the late Premier in selecting this very insincere member as the leader of that party which was now keeping the gallant knight in power. (Hear, hear.)¹⁹⁰ Would they sit still and hear him accused by the present leader of insincerity. His hon. friend did not merit such an accusation, and he (Mr. M.) believed that the House might long look for his like in vain.¹⁹¹

Laughter in the Ministerial seats.¹⁹²

MR. J.S. MACDONALD.--In regard to the clause now under discussion, he maintained that commutation was a principle not desired by the country. In the resolutions of the House of Assembly on which the Imperial Act was founded, there was not a word of commutation. Nor was there a word about it in the Imperial Act, and he challenged the Government to shew a single instance in which the principle of commutation was ever discussed or even moved by any party of politicians in the country, until it was introduced into the Bill now before the House. (Hear, hear.)¹⁹³ Its introduction was an afterthought. The question of commutation had never before been invited and it had not been demanded by the ... country¹⁹⁴, by any party or by any newspaper, the general opinion of Upper Canada was opposed to commutation.¹⁹⁵ The people did not desire it, and it would only tend to the perpetuation of the evils they were seeking to remove.¹⁹⁶

MR. MARCHILDON opposed commutation.¹⁹⁷

MR. S. SMITH of Northumberland, said that it required a good deal of courage to follow the hon. member to Champlain; but he would venture to make the attempt. He was astonished to hear the hon. member for Glengary attempting to defend the position of the hon. member for London. That hon. member, he said, had not long since been selected by the Reformers who now supported the government, as their leader. This was another of those errors into which the hon. member was constantly falling. If the hon. member for London was chosen as leader by a section of the Reformers it showed clearly enough that the hon. member for Glengary, although pretending and assuming to be the leader of the Reformers, was in fact not entitled to make any such pretensions. Misfortune frequently brought about strange alliances. It was indeed strange to see the hon. member for Glengary defending the hon. member for London. Their opinions did not coincide upon any subject. The hon. member for South Wentworth was also confederating with them although his opinions differed widely from theirs. The hon. member for North York also belonged to this strange confederacy. If they could assert that their opinions did coincide, at all events they could not assert that the hon. member for Haldimand, who also fell in with their course of action, agreed with any one of them in opinion. Nevertheless they were all found striving to attain an object and pressing the same measures upon which no two of them entertained the same opinion. Their ultimate object was not a mystery to any one who for a moment gave the subject proper consideration--it was clearly enough to advance their own interests at the expense of all others. Many hon. members had asserted as an argument--that the bill of the late ministry had been submitted by them to the people at the last election and approved by them, and it was therefore improper to alter it, even to improve it. It was strange indeed to hear the hon. members for North York, Glengary, Wentworth and Haldimand taking this position.

If the measures of the late administration had been submitted to and approved by the people where was the evidence of it? Had not the people by their Representatives driven that ministry from power and made way for the present one. (Hear, hear.) Those hon. members had materially assisted in bringing about the destruction of a Reform ministry and placing in power what they called a Tory government. They were surely responsible for this position of affairs, and by doing as they had done in voting against the late administration, they now showed that they had been actuated by a desire to the government; not to obtain measures. The evidence of the approval of a measure by the people ought to be the vote given by their representatives upon it in Parliament. Aside from this the bill of the late administration he asserted was not approved by the people. Those who saw it objected to it because it made no provision immediately to dispose of the funds arising from the Reserves, and allowed the connection between Church and State to be continued. The hon. member for North York objected that the present measure did not prevent the commutation money being invested in lands, and the hon. member for Glengary stated that he had come to object to the bill, because it had not a provision on that subject, he had however found there was now an amendment guarding against that evil. The hon. member for North York wanted to know how that could be enforced. Was it not stated expressly that returns should be made showing how the money was invested, and that if invested in lands it should be forfeited to the Crown. The hon. member for Glengary had read the resolutions passed by the House of Assembly of this Province on the subject of the Cleygy (sic) Reserves, which proved clearly enough, that no blame lay at the door of the Imperial Parliament for making provisions for incumbents. The fault (if any there was,) in this particular, lay with the Canadian people and their representatives. The result of the action of the Provincial Legislature adopted by the Imperial authorities was to give to incumbents a life annuity charged upon the Clergy Reserves. The parties having an annuity charged upon a particular fund have an interest in that fund and the Province stood merely in the position of a trustee for their leave in regard to that fund. Whether this was or was not the case, the incumbents have the right guarantee of the Canadian Legislature, through their resolutions and of the Imperial Act, for their stipends, and having it, as the hon. member for Haldimand had just stated justly secured to them by the Imperial Parliament, they could at any time dispose of their annuity or capatalise (sic) it, and no power on earth could prevent it. It is not necessary that they should apply to an Assurance Company. No they could sell to any person who would purchase, even to their own church, having received the annuity nothing could prevent it being invested in lands. (Hear, hear.) If they were so zealous for the welfare of the church, as some hon. gentlemen had stated they were, they would of course give their money to the church, and in that case it could and would be invested in lands. (Hear, hear.) Was this not an evil to be guarded against (many voices, yes, yes.) Would it not be an evil. (Yes, yes.) Then how could hon. gentlemen vote for the amendment to allow the matter to remain exactly in the position he had described. It would be well for the hon. member for London, before voting for such a result, to bring down his 600 men who voted for him, and whose vengeance he had at a dinner up west, threatened against any ministry who did not make an end of this question. (Hear, hear.) Hon. gentlemen admitted the correctness of the position he had laid down, but had they suggested any remedy. None. The third clause contained a provision to prevent the evils with which we were threatened. He then read that part of it respecting the destruction of all semblance between church and State. The hon. member for London had read part of an act declaring that such connection

could not exist and asserted the words in this act were mere verbiage. He did not think so. What had Reformers contended against, and were they now contending against, notwithstanding that it had been pressed, was it not ... that stipends or allowances were doled out from the public chest to the priesthood. This is what they regarded as a connection between church and State, and the vote given against a mere minority, on the motion of the hon. member for Toronto to strike out those words clearly enough proved that the position to which the hon. member for London had referred was a mere collection of words with little if any meaning, and that the present was a matter of substance, not of form. It was clearly so regarded by all parties in the House. Were hon. gentlemen prepared to abandon that declaration by adopting the motion to strike out that clause,--their vote had already negatived that idea. Their vote had already proved that connection between church and state did exist--and if so, how did it exist. Only as he had before stated by the payment of stipends to the incumbents. It was asserted that through commutation we would be endowing churches. This was not the true position of the matter. The churches were endowed by the Imperial Act founded on the resolutions of the Canadian Parliament, and on them the blame must rest. He asserted that there was no difference in principle between an endowment by payment of an annual stipend or payment of a gross sum of money in lieu of it. In the first case the Province is compelled to act as the Trustee, and bear all the expense and risk attending the trust, and the connection between the government and churches be still maintained. In the other event an end would be put to the whole matter. Stipendiaries would be at the risk, trouble and expense of managing the matter, and the further connection between church and state will be for ever swept away, and that without any act of this parliament increasing, much less creating an endowment. Were hon. members sent here to perpetuate this connection. For his part he was not sent for that purpose, nor was he in favor of such a course. Did the proposed measure afford a means of putting an end to the difficulty. He thought it did. If hon. gentlemen opposite did not think so, and were sincere voluntaries and true Reformers they should suggest some other measure to effect that object, and when submitted, members could decide between the two proposals, and adopt that which might seem to them the best. They did not make any such suggestion--far from it. He defied them to do so: with all their pretensions to sincerity, virtue and ability, they did not attempt it. Their only suggestion was to perpetuate the existence of evil against which the whole country was in arms. (Hear, hear.) They suggested nothing, and objected to every thing suggested by others. This had the appearance of faction, not of principle. The amendment of compelling the incumbents and bodies to which they belong to concur in any commutation by individuals, would have the effect of preventing persons commuting and making off without performing the duties of their incumbencies. On the other hand, it secured the Province against incumbents commuting first, and afterwards the body to which they belonged coming forward and asserting the rights guaranteed to them by the Imperial Act. The faith of the Crown is pledged to bodies and incumbents, and it cannot therefore be permitted with safety that commutation should take place without having both concur. The hon. member for North Wentworth had taken exception to the third clause, that by it commutation was not compulsory. This was a strange position for a legal gentleman to assume when by reference to the Imperial Act, he would see that the House had not the power to compel commutations. Again it was asserted, on the other hand, that the Imperial act did not permit commutation. That act states that the house shall not annul, reduce, or suspend the stipends--in fact, that their stipends shall be protected. By affording them the means of commutation, leaving it a voluntary act on their

part, it was not suspending, annulling, or reducing those stipends, but protecting them. These grounds of objection were of course quite inconsistent, but consistency among the gentlemen opposite was not to be expected. He was amused by the course of the hon. member for Haldimand, who had changed from being the most bitter enemy of parsons and priests, to be their defender. It put him in mind of a story which he lately saw in a paper called the Message, about the priest trying to mount his ass, after several ineffectual attempts he went down on his knees and prayed for assistance from the Virgin, and at the next attempt, went entirely over the ass, and alighted on the other side. So it was with that hon. member. He had been such a determined secularizer, and had so fully succeeded in his purpose, that he had before he knew it, got on the other side, and become the advocate of the preservation of the funds arising from the Clergy Reserves. To conclude, he would say, that on the one hand we had the Bishop of Toronto raising excitement against our present proceedings, on the other hand, the Examiner and others of that stamp were loud in their denunciations of the bill before the House. Hon. gentlemen of the opposition had asserted that the Examiner would not be satisfied with anything. When arbitrators decide and displease both parties, it was generally supposed that their award was correct. Adopting the same rule, it was pretty evident that the present bill was a just and meritorious measure. If, however, any further evidence of that fact was wanting, it was supplied by the opposition to it on the part of the hon. member for Haldimand.¹⁹⁸ The Province would be a gainer by the commutation clause, on the same principle that life assurance offices make their money. It would gain the interest by paying the present value of a certain sum. No danger could arise, for the ministers of the Church of England were, for the most part, too poor to give up their salaries. The bill fully provided that no money from commutation should be invested in lands under the risk of forfeiture. They wanted the evil of agitation on the Clergy Reserves wiped entirely away.¹⁹⁹

MR. MACKENZIE spoke at length against commutation;²⁰⁰ but he could not go the length of the honorable member for North York. If there were no restriction in the Imperial act (sic); if we were left entirely free in our action; if he were made the umpire on this matter, he could not vote for taking away the salaries of the clergymen of the Churches of England and Scotland who had come out to this country on the faith of the Crown that this support would be given to their families as long as they lived.²⁰¹

MR. JACKSON said he did not like the commutation principle very much when it was first broached, but now that he had heard it fully explained, he thought he would go for it. (Laughter.)²⁰²

MR. LANGTON heartily thanked the Attorney General for the amendments that he had made in his bill. They would not be barren of effect, but they²⁰³ would do more to consolidate the Government of which he is a member than anything that had occurred since the opening of the session.²⁰⁴ So much did they take the sting out of the commutation, that he should refrain from moving his amendment; but, as an amendment had been moved, he must say that he was opposed to the principle of commutation. He was aware of the advantages of having this question put out of the way, but he did not think that the people of Canada would agitate to take away the salaries of ministers during their lives. But he attached no weight to the argument that clergymen would not continue to do their duties because their salaries were commuted. He had too much faith in them to believe anything of that kind. He was opposed to commutation, because he did not think

it would give satisfaction to the people of Canada. They expected that secularization was to be carried out in good faith. The House would find that the constituencies of Upper Canada would not understand commutation. It might be a perfectly equitable thing, but if the people did not understand it, agitators would make use of it to subserve their own purposes.²⁰⁵ The only advantage in commuting would be that it would leave a larger sum to distribute at once. He was especially opposed to the commutation with bodies; but²⁰⁶ he did not think that commutation with the Methodists and Roman Catholics in bodies was of so much account, as their shares would not be very much, but it was different with his own Church, and he objected to commutation with that in a body. No individuals in the Church of England would commute, but the Society for the Propagation of the Gospel would commute for the whole, and pay the individuals their salaries.²⁰⁷ Not that he had those strong feelings against endowments which the honorable member for Lambton had: he thought that moderate endowments, well guarded, in connection with voluntary contributions, might serve a very useful purpose; but he felt that the proposed commutation would not satisfy the country.²⁰⁸ He did not wish to be a party to any act that would leave the people to suppose that they were not sincere in desiring secularization. Without the commutation he thought the bill would command the support of all who desired secularization.²⁰⁹ He therefore would like to see the whole clause left out.²¹⁰ Since an amendment had been made by Dr. Church, he should vote for that amendment.²¹¹

MR. FOLEY said the hon. gentleman who had just spoken had expressed his own opinions.²¹² [He] would vote against the clause, thinking that the carrying out of²¹³ the principle of commutation was dangerous.²¹⁴ If this claim for commutation were admitted other parties who sustained a similar position towards the government would prefer like claims and, the principle having once been admitted, they could not be resisted.²¹⁵ If they adopted the principle, they could not refuse to commute pensions.²¹⁶

MR. GOULD exactly agreed with the remarks made by Mr. Langton. He believed the country did not want commutation²¹⁷, [nor did] the people of Upper Canada.²¹⁸

MR. RANKIN said the honest conviction of his mind would cause him to vote for the amendment²¹⁹ against commutation.²²⁰

MR. ROBLIN said the honest conviction of his mind would cause him to vote against the amendment. An hon. member had said he was opposed to commutation, because it would swallow up the fund. The truth was that the very reverse was the case. The commutation would set free for distribution a fund that must otherwise be locked up to produce a revenue to pay the stipends. He looked upon the commutation clause as one of the best features of the bill.²²¹

MR. AT. GEN. J.A. MACDONALD replied to some of the remarks which had been made in the course of the debate.²²² In answer to Mr. Foley, he said nothing was more common in England than commutation of annuities paid from the Exchequer. He had heard nothing like argument against the commutation clause, except from his hon. friend (Mr. Langton)²²³; and even he regarded the clause as proposed to be amended by the government with so much favor that he had said he would not have moved any amendment to it.²²⁴ That hon. member now found the bill so good, as a whole, that he would not move an amendment to it. Commutation would be a good pecuniary gain to the whole Province, and it would forever put out ... of the way all chance of agitation. The hon. member (Mr. Langton) told them that he did not believe the people of Canada would agitate to take

away Clergymen's salaries, but did not that hon. member see the tone taken by the Bishop of Toronto on the one hand, and the rabid secularizationists²²⁵ [OR] extreme liberals²²⁶ on the other? The former complained of the present bill as outrageous injustice, and [the] latter demanded that the Clergymen should not have their salaries paid to them. Could the hon. member in those circumstances (sic) doubt that there would be agitation if it could find a foot hold? And was it not better to remove all chance of it? Commutation would do that, and after it was paid allow the municipalities to apply the further proceeds to any useful purpose.²²⁷ It was the object of the government to place the question beyond the reach of agitation by either party. The question of commutation was as plain as that two and two make four; like transactions took place in England every day.²²⁸ Allusion had been made to the bill of the last Government. That bill did not provide for any commutation, because none would be possible or necessary under it²²⁹. The reason of this was explained in the House by the hon. member for Renfrew on the introduction of the bill; the late ministry did not intend to distribute the capital fund but only the interest.²³⁰ His (Mr. Macdonald's) bill proposed to break up and do away with the fund altogether--principal as well as interest. The restrictions of the Imperial Act secured to the Incumbents who were paid from the Clergy Reserve Fund an annuity for life; and it was clear that those Clergymen who received that annuity might go into the market and sell it. All that they would require to do, would be to give security for the due performance of their duties. Their annuities, besides, being bought and sold,²³¹ or mortgaged²³², might also be seized for debt. It followed that those gentlemen might commute as they pleased, and there was no means to prevent it,--nor was there any means of preventing the Church Societies from buying these annuities up if the parties thought proper, and paying the Clergymen salaries instead.²³³ They could do, in spite of the Legislature, all tha[t] this bill proposes to allow them to do. There would be a saving to the government in commuting.²³⁴ The advantage to the municipalities of commutation was not slight. In place of keeping up a large fund to pay salaries out of the interest, the present mode would break up the fund, and buy up the salaries, which the Province had to pay, at a profit; while the municipalities would have given to them much sooner all the rest of the fund after the commutation had been paid.²³⁵ It was said the people could not understand the commutation. Gentlemen opposite could not or would not understand it; but he believed that the people could understand it; and that understanding its value, they would accept this measure as one of final settlement.²³⁶

MR. JACKSON said if the incumbents were entitled to their salaries they had a right to commute them. As to the objection that the parties after commuting might run away, it was clear that the Church of England would be better without such ministers. He hoped therefore that they would be allowed to commute and thus put an end to that connection between Church and State that would otherwise continue to exist.²³⁷

The amendment of Dr. Church was then put and lost. Yeas 31; Nays 61.²³⁸

DR. CHURCH moved another amendment to the effect, that no commutations should be made without previous reference to the Legislature.²³⁹

Lost, yeas 9; nays 64.²⁴⁰

The third clause with Mr. Macdonald's amendment was then carried without a division.²⁴¹

The remaining clauses were then adopted without a division,²⁴² with the understanding that amendments would be received on the question of concurrence in the committee's report.²⁴³

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The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

Arthur Rankin, Esquire, Charles Daoust, Esquire, Benjamin Dionne, Esquire, Robert Ferrie, Esquire; Chairman, François Lemieux, Esquire, being the Select Committee ap[p]ointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over:--And Robert Ferrie, Esquire, not appearing within one hour after four of the clock;

On motion of the Honorable Mr. Merritt, seconded by Mr. Polette,

Ordered, That the 74th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Robert Ferrie, Esquire, Member for the South Riding of the County of Waterloo, having been appointed to serve as one of the Members to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, and not having attended in his place within one hour after four of the clock this day, being the day appointed for the swearing of the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

The House, according to Order, again resolved itself into a Committee on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

On motion of Mr. Langton, seconded by Mr. James Smith.

Ordered, That the 75th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

And Robert Ferrie, Esquire, not having been brought into the House within three hours after four of the clock, the swearing of the Committee to try and determine the matter of the Petition complaining of an undue Election and Return for the Country of Argenteuil, was adjourned till the next meeting of the House.

The House, according to Order, again resolved itself into a Committee on the Bill to make better provision for the appropriation of the monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Tuesday next.

Ordered, That the Order of the day for the House again in Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands

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held en roture in Lower Canada, be postponed until Monday next, and be then the first Order of the day.

Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Chauveau,

The House adjourned until Monday next.

FOOTNOTES: 10 NOVEMBER 1854.

1. GLOBE, 20 November 1854.
2. IBID.
3. IBID.
4. PILOT, 10 November 1854 (in Scrapbook Hansard). The House went into Committee of the Whole on the Clergy Reserves' Bill three times this day. The newspaper accounts provide no indication of when the debate is interrupted so the entire debate is included at this point.
5. TORONTO DAILY LEADER, 17 November 1854.
6. GLOBE, 20 November 1854.
7. TORONTO DAILY LEADER, 17 November 1854.
8. GLOBE, 20 November 1854.
9. PILOT, 10 November 1854 (in Scrapbook Hansard).
10. GLOBE, 20 November 1854.
11. PILOT, 10 November 1854 (in Scrapbook Hansard).
12. TORONTO DAILY LEADER, 17 November 1854.
13. GLOBE, 20 November 1854.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. TORONTO DAILY LEADER, 17 November 1854.
19. GLOBE, 20 November 1854.
20. PILOT, 10 November 1854 (in Scrapbook Hansard).
21. TORONTO DAILY LEADER, 17 November 1854.
22. PILOT, 10 November 1854 (in Scrapbook Hansard).
23. GLOBE, 20 November 1854.
24. PILOT, 10 November 1854 (in Scrapbook Hansard).
25. GLOBE, 20 November 1854.
26. PILOT, 10 November 1854 (in Scrapbook Hansard).
27. GLOBE, 20 November 1854.
28. PILOT, 10 November 1854 (in Scrapbook Hansard).
29. GLOBE, 20 November 1854.
30. TORONTO DAILY LEADER, 17 November 1854.
31. PILOT, 10 November 1854 (in Scrapbook Hansard).
32. TORONTO DAILY LEADER, 17 November 1854.
33. GLOBE, 20 November 1854.
34. PILOT, 10 November 1854 (in Scrapbook Hansard).
35. GLOBE, 20 November 1854.
36. PILOT, 10 November 1854 (in Scrapbook Hansard).
37. GLOBE, 20 November 1854.
38. PILOT, 10 November 1854 (in Scrapbook Hansard).
39. TORONTO DAILY LEADER, 17 November 1854.
40. PILOT, 10 November 1854 (in Scrapbook Hansard).
41. GLOBE, 20 November 1854.
42. PILOT, 10 November 1854 (in Scrapbook Hansard).
43. TORONTO DAILY LEADER, 17 November 1854.
44. PILOT, 10 November 1854 (in Scrapbook Hansard).
45. TORONTO DAILY LEADER, 17 November 1854.
46. PILOT, 10 November 1854 (in Scrapbook Hansard).
47. GLOBE, 20 November 1854.
48. PILOT, 10 November 1854 (in Scrapbook Hansard).

49. TORONTO DAILY LEADER, 17 November 1854.
50. PILOT, 10 November 1854 (in Scrapbook Hansard).
51. GLOBE, 20 November 1854.
52. TORONTO DAILY LEADER, 17 November 1854.
53. GLOBE, 20 November 1854.
54. TORONTO DAILY LEADER, 17 November 1854.
55. PILOT, 10 November 1854 (in Scrapbook Hansard).
56. IBID.
57. TORONTO DAILY LEADER, 17 November 1854.
58. PILOT, 10 November 1854 (in Scrapbook Hansard).
59. IBID.
60. GLOBE, 20 November 1854.
61. PILOT, 10 November 1854 (in Scrapbook Hansard).
62. GLOBE, 20 November 1854.
63. TORONTO DAILY LEADER, 17 November 1854.
64. IBID.
65. IBID.
66. PILOT, 10 November 1854 (in Scrapbook Hansard).
67. TORONTO DAILY LEADER, 17 November 1854.
68. PILOT, 10 November 1854 (in Scrapbook Hansard).
69. IBID.
70. TORONTO DAILY LEADER, 17 November 1854.
71. IBID.
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74. IBID.
75. PILOT, 10 November 1854 (in Scrapbook Hansard).
76. TORONTO DAILY LEADER, 17 November 1854.
77. IBID.
78. PILOT, 10 November 1854 (in Scrapbook Hansard).
79. TORONTO DAILY LEADER, 17 November 1854.
80. PILOT, 10 November 1854 (in Scrapbook Hansard).
81. IBID.
82. TORONTO DAILY LEADER, 17 November 1854.
83. PILOT, 10 November 1854 (in Scrapbook Hansard).
84. IBID.
85. TORONTO DAILY LEADER, 17 November 1854.
86. GLOBE, 20 November 1854.
87. IBID.
88. TORONTO DAILY LEADER, 17 November 1854.
89. PILOT, 10 November 1854 (in Scrapbook Hansard).
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91. GLOBE, 20 November 1854.
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94. IBID.
95. PILOT, 10 November 1854 (in Scrapbook Hansard).
96. GLOBE, 20 November 1854.
97. PILOT, 10 November 1854 (in Scrapbook Hansard).
98. TORONTO DAILY LEADER, 17 November 1854.
99. PILOT, 10 November 1854 (in Scrapbook Hansard).
100. TORONTO DAILY LEADER, 17 November 1854.
101. PILOT, 10 November 1854 (in Scrapbook Hansard).

102. TORONTO DAILY LEADER, 17 November 1854.
103. GLOBE, 20 November 1854.
104. IBID.
105. IBID.
106. IBID.
107. TORONTO DAILY LEADER, 17 November 1854.
108. PILOT, 10 November 1854 (in Scrapbook Hansard).
109. GLOBE, 20 November 1854.
110. PILOT, 10 November 1854 (in Scrapbook Hansard).
111. GLOBE, 20 November 1854.
112. PILOT, 10 November 1854 (in Scrapbook Hansard).
113. TORONTO DAILY LEADER, 17 November 1854.
114. GLOBE, 20 November 1854.
115. PILOT, 10 November 1854 (in Scrapbook Hansard).
116. GLOBE, 20 November 1854.
117. PILOT, 10 November 1854 (in Scrapbook Hansard).
118. GLOBE, 20 November 1854.
119. PILOT, 10 November 1854 (in Scrapbook Hansard).
120. GLOBE, 20 November 1854.
121. TORONTO DAILY LEADER, 17 November 1854.
122. GLOBE, 20 November 1854.
123. TORONTO DAILY LEADER, 17 November 1854.
124. GLOBE, 20 November 1854.
125. TORONTO DAILY LEADER, 17 November 1854.
126. GLOBE, 20 November 1854.
127. TORONTO DAILY LEADER, 17 November 1854.
128. IBID.
129. IBID.
130. GLOBE, 20 November 1854.
131. PILOT, 10 November 1854 (in Scrapbook Hansard).
132. IBID.
133. GLOBE, 20 November 1854.
134. TORONTO DAILY LEADER, 17 November 1854.
135. GLOBE, 20 November 1854.
136. TORONTO DAILY LEADER, 17 November 1854.
137. GLOBE, 20 November 1854.
138. PILOT, 10 November 1854 (in Scrapbook Hansard).
139. TORONTO DAILY LEADER, 17 November 1854.
140. PILOT, 10 November 1854 (in Scrapbook Hansard).
141. TORONTO DAILY LEADER, 17 November 1854.
142. PILOT, 10 November 1854 (in Scrapbook Hansard).
143. GLOBE, 20 November 1854.
144. PILOT, 10 November 1854 (in Scrapbook Hansard).
145. IBID.
146. TORONTO DAILY LEADER, 17 November 1854.
147. GLOBE, 20 November 1854.
148. IBID.
149. IBID.
150. TORONTO DAILY LEADER, 17 November 1854.
151. GLOBE, 20 November 1854.
152. TORONTO DAILY LEADER, 17 November 1854.
153. PILOT, 10 November 1854 (in Scrapbook Hansard).
154. TORONTO DAILY LEADER, 17 November 1854.

155. GLOBE, 20 November 1854.
156. IBID.
157. IBID.
158. TORONTO DAILY LEADER, 17 November 1854.
159. GLOBE, 20 November 1854.
160. TORONTO DAILY LEADER, 17 November 1854.
161. GLOBE, 20 November 1854. The ellipsis represents an illegible word.
162. PILOT, 10 November 1854 (in Scrapbook Hansard).
163. PILOT, 10 November 1854 (in Scrapbook Hansard), which alters the order of Mr. Wilson's speech and interposes this remark by Mr. J. Smith.
164. TORONTO DAILY LEADER, 17 November 1854.
165. GLOBE, 20 November 1854.
166. PILOT, 10 November 1854 (in Scrapbook Hansard).
167. TORONTO DAILY LEADER, 17 November 1854.
168. PILOT, 10 November 1854 (in Scrapbook Hansard).
169. TORONTO DAILY LEADER, 17 November 1854.
170. PILOT, 10 November 1854 (in Scrapbook Hansard).
171. IBID.
172. IBID.
173. GLOBE, 20 November 1854.
174. TORONTO DAILY LEADER, 17 November 1854.
175. GLOBE, 20 November 1854.
176. PILOT, 10 November 1854 (in Scrapbook Hansard).
177. GLOBE, 20 November 1854.
178. PILOT, 10 November 1854 (in Scrapbook Hansard).
179. GLOBE, 20 November 1854.
180. TORONTO DAILY LEADER, 17 November 1854.
181. PILOT, 10 November 1854 (in Scrapbook Hansard).
182. IBID.
183. GLOBE, 20 November 1854.
184. TORONTO DAILY LEADER, 18 November 1854.
185. GLOBE, 20 November 1854.
186. IBID.
187. PILOT, 10 November 1854 (in Scrapbook Hansard).
188. GLOBE, 20 November 1854.
189. PILOT, 10 November 1854 (in Scrapbook Hansard).
190. GLOBE, 20 November 1854.
191. PILOT, 10 November 1854 (in Scrapbook Hansard).
192. IBID.
193. GLOBE, 20 November 1854.
194. PILOT, 10 November 1854 (in Scrapbook Hansard).
195. TORONTO DAILY LEADER, 18 November 1854.
196. GLOBE, 20 November 1854.
197. PILOT, 10 November 1854 (in Scrapbook Hansard).
198. TORONTO DAILY LEADER, 18 November 1854.
199. PILOT, 10 November 1854 (in Scrapbook Hansard).
200. IBID.
201. TORONTO DAILY LEADER, 18 November 1854.
202. GLOBE, 20 November 1854.
203. PILOT, 10 November 1854 (in Scrapbook Hansard).
204. TORONTO DAILY LEADER, 18 November 1854.
205. PILOT, 10 November 1854 (in Scrapbook Hansard). TORONTO DAILY LEADER, 18 November 1854, phrases some of these remarks slightly differently: "He

felt that the amendment before the House took the sting out of the commutation clause; and, although not satisfied with it, he had not intended to move any amendment; but when he found the honorable member for North Leeds had moved an amendment he could not give a silent vote."

206. TORONTO DAILY LEADER, 18 November 1854.
207. PILOT, 10 November 1854 (in Scrapbook Hansard). TORONTO DAILY LEADER, 18 November 1854, again changes the sense of some of these remarks: "Whatever might be the intention of the Government he felt certain that none of the individuals would commute, but that the commutation would be made with the Society for the Propagation of the Gospel in Foreign parts."
208. TORONTO DAILY LEADER, 18 November 1854.
209. PILOT, 10 November 1854 (in Scrapbook Hansard).
210. TORONTO DAILY LEADER, 18 November 1854.
211. GLOBE, 20 November 1854.
212. TORONTO DAILY LEADER, 18 November 1854.
213. GLOBE, 20 November 1854.
214. PILOT, 10 November 1854 (in Scrapbook Hansard).
215. TORONTO DAILY LEADER, 18 November 1854.
216. PILOT, 10 November 1854 (in Scrapbook Hansard).
217. IBID.
218. GLOBE, 20 November 1854.
219. TORONTO DAILY LEADER, 18 November 1854.
220. PILOT, 10 November 1854 (in Scrapbook Hansard).
221. TORONTO DAILY LEADER, 18 November 1854.
222. GLOBE, 20 November 1854.
223. PILOT, 10 November 1854 (in Scrapbook Hansard).
224. TORONTO DAILY LEADER, 18 November 1854.
225. PILOT, 10 November 1854 (in Scrapbook Hansard).
226. TORONTO DAILY LEADER, 18 November 1854.
227. PILOT, 10 November 1854 (in Scrapbook Hansard).
228. TORONTO DAILY LEADER, 18 November 1854.
229. PILOT, 10 November 1854 (in Scrapbook Hansard).
230. TORONTO DAILY LEADER, 18 November 1854.
231. PILOT, 10 November 1854 (in Scrapbook Hansard).
232. TORONTO DAILY LEADER, 18 November 1854.
233. PILOT, 10 November 1854 (in Scrapbook Hansard).
234. TORONTO DAILY LEADER, 18 November 1854.
235. PILOT, 10 November 1854 (in Scrapbook Hansard).
236. TORONTO DAILY LEADER, 18 November 1854.
237. IBID.
238. TORONTO DAILY LEADER, 18 November 1854. PILOT, 10 November 1854 (in Scrapbook Hansard), indicates that the vote is: "yeas 21; nays 61." GLOBE, 20 November 1854, states: "The amendment of Dr. Church that the commutation clause be struck out was then put and lost. Yeas 9, nays 64."
239. PILOT, 10 November 1854.
240. PILOT, 10 November 1854 (in Scrapbook Hansard). TORONTO DAILY LEADER, 18 November 1854, reports that the vote against the amendment was 19.
241. TORONTO DAILY LEADER, 18 November 1854. The reporter in PILOT, 15 November 1854, notes that he left the House at midnight "and shortly afterwards the commutation clause was passed by a large majority".
242. TORONTO DAILY LEADER, 18 November 1854.
243. GLOBE, 20 November 1854.

MONDAY, 13 NOVEMBER 1854.

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MR. SPEAKER laid before the House, the Fifth Annual Report of the Elgin Association, to 31st July, 1854, received in pursuance of the Order of this House, of the 14th September last.

For the said Report, see Appendix (R.R.)

The Serjeant-at-Arms attending this House, informed the House, that he had been unable to comply with the Order of the House of Friday last, for taking into his custody Robert Ferrie, Esquire, in consequence of the severe illness of that Gentleman.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of James Gilrie and others, of the Townships of Tecumseth, West Gwillimbury, and parts adjacent; the Petition of Thomas Duffill and others; and the Petition of John Campbell.

By Mr. Chapais,--The Petition of Marie Métivier and other Ladies.

By Mr. Rankin,--The Petition of George Gott and others, of the Town of Amherstburg.

By Mr. Fergusson,--The Petition of Henry Allen, Esquire, of the Town of Niagara, Barrister.

By Mr. Holton,--The Petition of the Reverend W. Taylor, D.D., and others, Sons of Temperance, and others.

By Mr. Wilson,--The Petition of the Congregational Church in the Town of London.

By Mr. Egan,--The Petition of Messieurs Allan Gilmour and Company, and others, Merchants, connected with the Lumber Trade.

By the Honorable Mr. Robinson,--The Petition of G. Joly, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada.

By Mr. Laberge,--The Petition of Isaac Langelier and others, members of the Mechanics' Institute of St. Hyacinthe; and the Petition of M. Buckley and others, of the Town of St. Hyacinthe.

By the Honorable Mr. Merritt,--The Petition of Richard Woodruff and others.

By Mr. Lemieux,--The Petition of Joseph André Taschereau, of St. Louis de Kamouraska, Esquire.

Pursuant to the Order of the day, the following Petitions were read:--

Of Fisher Ames and others, of Jamestown, Hemmingford, Russeltown, and Hinchinbrook; praying for the erection of certain parts thereof into a new Township.

Of Abishai Morse and others, of the Township of Grimsby; of Thomas A. Corbett and others, of the City of Kingston; of James Wetherall and others, of

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the Township of London; of the Reverend John Porteous and others, of the Township of Beverly, County of Wentworth; of George Whetham and others, of the Township of Beverly, County of Wentworth; of Phoenix Division, No. 64, and of Owen Sound Division, No. 193, both of the Order of the Sons of Temperance; praying for the passing of a Prohibitory Liquor Law.

Of Agnes Stewart, of the Town of St. Catharines; praying remuneration for her services in attending invalids among the labourers and their families on the Welland Canal for nine years, during the enlargement of that work.

Of John Morrison and others, of the County of Huntingdon; praying that the said County and Russeltown may be formed into a separate Circuit, to be called

the Huntingdon Circuit, having its sittings at the Village of Huntingdon.

Of John Morrison and others, of the County of Huntingdon; praying that the said County may be set apart for registration purposes, and that the Registry Office may be established at the Village of Huntingdon.

Of A. Gagy, Esquire, and others, Members of the Bar of Lower Canada, Section of the District of Quebec; praying for an investigation into the conduct of the Honorable Thomas C. Aylwin, one of the Judges of the Court of Queen's Bench for Lower Canada, with a view to his removal from the said office.

Of John Maguire, of the City of Quebec, Police Magistrate; praying for an investigation into certain charges preferred against him in his said capacity by Petitions brought before the House.

Of the Council of the Quebec Board of Trade; praying that the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada may not pass into Law.

Of the Municipality of the Township of Kingston; praying for the passing of an Act to authorize them to exchange the Government allowance for Road in a certain part of the said Township, for a tract of Land more suitable for that purpose.

Of Hugh Blair and others, of the Township of Madoc; praying aid for the improvement of the Roads and Bridges in the said Township.

Of C.A. McConnell and others, of the Township of Rawdon; praying aid for the improvement of Roads and Bridges in the said Township.

Of John Scott and others, Officers and Trustees of the Berlin Mechanics' Institute; praying for aid.

Of R.D. Ackert and others, of the Townships of Buckingham and Lochaber, County of Ottawa; praying that the right to the Timber on Crown Lands may be vested in the actual occupant.

Ordered, That the Petition of G. Joly, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada, be now received and read; and the Rules of this House suspended, as regards the same.

And the said Petition was received and read; praying that the Bill to define and limit Seigniorial Rights, to facilitate (sic) the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, may not pass into law.

Sur motion de MR. ROBINSON,¹

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Ordered, That the said Petition be printed for the use of the Members of this House.

Sur motion de MR. FERGUSON,²

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Ordered, That the Select Committee on the Quebec Election Petitions have leave to adjourn until Monday next, the twentieth day of November instant, at Ten o'clock in the forenoon, in order to give time to Jean Blanchet, Esquire, one of the Sitting Members, to prepare his defence in the case of the Petition of George Okill Stuart, Esquire, complaining of his Return.

MR. J. SMITH de Victoria, du com[i]té spécial des pétitions d'élection de Mégantic, informe la chambre que le comité à la réquisition du conseil du membre siégeant, et du consentement du conseil des pétitionnaires, a prolongé le délai accordé pour produire et déposer les listes des voteurs auxquels on avait intention d'objecter des deux côtés, du 18 au 27 novembre courant, et le comité obtenir permission d'ajourner jusqu'à la dernière date, si la chambre n'est pas

alors ajournée, et si elle l'est, alors, apr[è]s la réunion de la chambre, à midi.³

(306)

Ordered, That the Select Committee on the Megantic Election Petitions have leave to adjourn until Monday, the twenty-seventh day of November instant, if

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the House be not then adjourned, and if so, until the second day next after the meeting of the House, at Twelve o'clock, at Noon, the Committee having at the request of the Counsel for the Sitting Member, with the consent of the Counsel of the Petitioners, enlarged the delay allowed for producing and filing the Lists of Voters intended to be objected to, on both sides, from the 18th to the 27th November instant.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, of the 27th September last, for copies of certain Documents relative to the construction of a Wharf at St. Michel, County of Bellechasse.

Secretary's Office,
Quebec, 9th November, 1854.

By Command,
Pierre J.O. Chauveau,
Secretary.

(Copy,)

Public Works, Quebec, 4th November, 1854.

Sir,--I am directed to return to you herewith the Address of the Legislative Assembly calling for Surveys, Plans, &c., connected with a Wharf at St. Michel, and to inform you, that the Report, Estimate, and Plan of the Engineer, for a Landing Pier at the place in question, will be found in the Report of the Commissioners of Public Works, in the Appendix to the Journals of the Legislative Assembly, 1847, Letter R. of Appendix (Q.Q.)

I have, &c.,

(Signed) Thomas A. Begly.

E. Parent, Esquire, Secretary to the Commissioners of Public Works.
Assistant Secretary, Quebec.

On motion of MR. HOLTON, the 2nd reading of the Commercial Bank, the Upper Canada Bank, and the People's Bank amendment Bills was ordered to be taken up on Wednesday next.⁴

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Ordered, That the Order of the day for the second reading of the Bill to increase the Capital Stock of the Commercial Bank of the Midland District, be postponed until Wednesday next, and be then the first Order of the day.

Ordered, That the Order of the day for the second reading of the Bill to increase the Capital Stock of the Bank of Upper Canada, be postponed until Wednesday next, and be then the second Order of the day.

Ordered, That the Order of the day for the second reading of the Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes, be postponed until Wednesday next, and be then the third Order of the day.

Sur motion de MR. PATRICK,⁵

(307)

Ordered, That the Select Committee on Temperance have leave to report from time to time.

Ordered, That Mr. Cooke have leave of absence for two weeks.

Ordered, That Mr. McCann have leave of absence for two weeks, on urgent, private business.

Mr. Gamble, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the East Riding of the County of Brant, informed the House, That the Committee had ordered that seven votes should be struck off alternately from either side, and the opposing Candidate's Counsel having succeeded in so striking off seven votes from the Sitting Member's List, and thereby giving the opposing Candidate a majority, the Sitting Member immediately applied for a Commission upon the

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grounds that sufficient evidence would be wanting here, to enable him to strike off an equal number of votes polled for the opposing Candidate.

That the Committee have granted the request of the Sitting Member, and appointed Judge Samuel Bealey Harrison, Judge of the County Court of York, as Commissioner in this case; and ask permission of the House to adjourn until such time as the Speaker, by his Warrant, shall cause the said Committee to re-assemble.

Ordered, That the Select Committee on the East Riding of the County of Brant Election Petition have leave to adjourn until such time as the Speaker of this House shall, by his Warrant, direct them to re-assemble, pursuant to "The Election Petitions Act of 1851."

Mr. Ferres reported from the Select Committee on the Bill to improve the Law relating to Betterment, That the Committee had gone through the Bill, and made amendments thereunto.

Mr. Patrick reported from the Select Committee to which was referred the Bill to prevent the traffic in alcoholic and intoxicating Liquors, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That Mr. Holton have leave to bring in a Bill to amend the Act incorporating the Montreal and Bytown Railway Company, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to change the name of the Peterborough and Port Hope Railway Company, and to amend the Act incorporating the same, and have agreed to several amendments thereto, which they have the honor to report for the consideration of Your Honorable House.

Your Committee have also taken into their consideration the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, and have taken certain evidence in relation to the same, which is herewith submitted, and they have agreed to several amendments which they have the honor to report for the consideration of Your Honorable House.

Your Committee have further considered the Bill to incorporate certain persons under the name and style of the Stratford and Huron Railway Company, and have agreed to several amendments thereto, which they humbly submit for the adoption of Your Honorable House.

On motion of MR. J. SMITH, of Victoria,⁶

(308)

Ordered, That the Bill to change the name of the Peterborough and Port Hope Railway Company, and to amend the Act incorporating the same, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to incorporate certain persons under the name and

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style of the Stratford and Huron Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

On motion of MR. ALLEYN,⁷

(309)

Ordered, That the Order of the day for the second reading of the Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank, be postponed until Wednesday next, and be then the fourth Order of the day.

Sur motion de MR. ALLEYN,⁸

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Ordered, That the Petition of John Young and others, of the City of Quebec; and the Petition of T.A. Young, of the City of Quebec, Esquire, be printed for the use of the Members of this House.

Ordered, That the Bill to improve the Law relating to Betterment, as reported from the Select Committee to which the same was referred, be reprinted for the use of the Members of this House.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill to prevent the traffic in alcoholic and intoxicating Liquors, as reported from the Select Committee on Temperance, be printed for the use of the Members of this House.

Ordered, That the said Bill and Report be committed to a Committee of the whole House, for Thursday next.

The Honorable Sir Allan N. McNab, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Elgin and Kincardine,

The Governor General recommends to the consideration of the Legislative Assembly the propriety of granting the sum of Twenty thousand pounds Sterling, for the relief of the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies who have fallen or may hereafter fall in the Contest in which England and France are now engaged.

Government House,

Quebec, 9th November, 1854.

MR. PRES. EX. COUN. MACNAB expressed his satisfaction that, when the matter was formerly brought forward there was but one patriotic feeling expressed by every leading man in the House. He now moved a resolution to the effect that an address be presented to His Excellency responding to his call, and stating that the sum named would be granted by the House.⁹

MR. GALT ... seconded ... Sir Allan's motion to pass the address¹⁰.

MR. J.S. MACDONALD of Glengarry thought the matter was being hurried forward too fast. It was one thing to express an opinion favorable to a vote for so laudable an object, but quite another thing to fix the sum to be so devoted, and he thought it would only be courtesy to the House to allow them some time for deliberation, without forcing them at once to jump to the conclusion at which the gallant Knight and his colleagues had arrived. No notice having been given of the gallant Knight's resolution, he would object to its being taken up till to-morrow.¹¹

MR. ROBINSON did not think the hon. gentleman's constituents, the Macdonalds of Glengarry, would thank him for asking delay. When the gallant fellows, to whose widows and orphans they were now to contribute, were called upon to storm the heights of Alma, they did not ask 24 hours to consider of it.¹²

MR. PRES. EX. COUN. MACNAB asked if it was usual to give notice for considering a Governor General's message.¹³

MR. J.S. MACDONALD said he had never heard of a proposition to vote such a sum of money being brought forward without notice.¹⁴

MR. HINCKS taunted in the most impertinent manner those members who asked a day or two to reflect (sic) upon the proposition¹⁵.

MR. PRES. EX. COUN. MACNAB said he had no desire to infringe the rules of the House, and would not press his motion, but he was certainly astonished that the hon. member from Glengarry should have offered opposition on such a question as this.¹⁶ [He] professed to be very indignant that the vote was not to be unanimous and at once.¹⁷

MR. J.S. MACDONALD.--It is not fair to taunt me in that manner. Are there not many other members of this House who desire time for consideration? (No! No! Yes! yes!) If I am the only man on this side of the House who objects to it, I will give way.¹⁸

MR. MACKENZIE.--Then I object. (Hear, hear.)¹⁹

After some further conversation, the resolution was postponed till Wednesday, MR. SICOTTE the SPEAKER deciding that it could not be put without previous notice if any member objected to it.²⁰

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Arthur Rankin, Esquire, Charles Daoust, Esquire, Benjamin Dionne, Esquire, Robert Ferrie, Esquire; Chairman, François Lemieux, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over:--And Robert Ferrie, Esquire, not appearing within one hour after four of the clock;

On motion of the Honorable Mr. Merritt, seconded by Mr. Polette, Ordered, That the 76th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That the Petition complaining of an undue Election and Return for the County of Argenteuil be referred back to the General Committee of Elections.

Ordered, That the Bill to incorporate the Quebec and Saguenay Railway

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Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next.

Resolved, That this House doth concur in the Third Report of the Standing Committee on Printing.

Ordered, That the Orders of the day be now read.

And the Order of the day for taking into consideration the Third Report of the Standing Committee on Contingencies, being read;

Ordered, That the said Report be referred back to the Standing Committee on Contingencies, for reconsideration.

La chambre se forme de nouveau en comité général sur le bill de M. Drummond, pour pourvoir au rachat de droits seigneuriaux.²¹

La troisième clause qui tend à excepter de l'opération de la loi les lots ou emplacements de ville et de village soulève une discussion qui se prolonge pendant quelque temps.²²

MR. LEMIEUX, en présentant un amendement à l'effet de faire disparaître cette clause l'accompagne d'observations tendant à démontrer l'injustice de cette exception²³.

MR. PAPIN, MR. LABERGE et MR. BUREAU ... entr'autres [appuyèrent M. Lemieux]²⁴.

MR. AT. GEN. DRUMMOND et quelques autres firent valoir ... l'argument ... contre la prétention de M. Lemieux, c'était que les emplacements de villes et de villages se trouvaient généralement presque partout sur le domaine du seigneur et se trouvaient chargés d'une rente foncière au lieu d'une rente seigneuriale, et que la loi ne pouvait pas plus s'appliquer à ces propriétés qu'à toute autre propriété possédée à titre particulier. Et d'ailleurs, quand bien même certaines localités se trouveraient situées différemment, les terres ainsi concédées en lots se trouvaient déjà défrichées et ne pouvaient être mises sur un pied de comparaison avec les terres concédées en bois debout, au milieu des campagnes. Ce serait faire supporter au trésor public une charge trop lourde que de lui faire payer le surplus de deux sous de rente sur cette espèce de propriétés.²⁵

L'amendement fut perdu sur division et les clauses du bill furent successivement adoptées, sauf quelques amendements de peu d'importance, jusqu'à la clause 21e qui pourvoit à la nomination de commissaires par le gouverneur en conseil.²⁶

MR. A. DORION, de Montreal, fait motion que la [21e] clause soit amendée de manière à faire nommer trois arbitres dans chaque seigneurie, au lieu des commissaires, les trois arbitres à être nommés comme suit: un par le seigneur, un autre par les censitaires et le troisième par le gouvernement.²⁷

L'amendement ayant été mis aux voix et perdu, le comité se lève, fait rapport de progrès et obtient permission de siéger de nouveau.²⁸

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The House, according to Order, again resolved itself into a Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands

held en roture in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to incorporate the Lyn Manufacturing Company," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company," was read for the first time.

The House, according to Order, again resolved itself into a Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands held *en roture in Lower Canada*, and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

MR. CARTIER moved that the second order of the day be taken up, and that the House go into Committee of the whole on the amended Grand Trunk Bill, and the accompanying report of the Committee on Railroads.²⁹

MR. J.S. MACDONALD (Glengary) expressed much surprise that the Government should take the House by surprise in introducing this bill, and he said that he might as well state the objections which he felt called upon to make to this bill. It was originally understood that the lines from Toronto to Montreal, and from Quebec to Trois Pistoles, should be the Main Trunk Railway Co. of Canada, with that understanding the guarantee of the Province was given at £3,000 a mile, and the Government agreed to pay £40,000 upon every £100,000 of work done and material placed upon the line. Hon. Members would no doubt recollect how strong the opposition was made at the time of the Act of Incorporation being applied for, both in and out of the House, and what was then surmised would be [t]he result of granting the application. The public were led to expect,³⁰ that the whole energies and wealth of the company, would be employed upon this Grand Trunk line,³¹ but after the Grand Trunk Bill was passed by the House, it was found that the Company entered into agreement with other Companies, and without any notice being given to this House,³² or first obtaining its sanction³³. Shortly afterwards another Act was passed to provide for the amalgamation of other companies into the Grand Trunk Railroad. The Grand Junction Railway Co. had a road from Belleville to Peterborough, and to Toronto and some points touching at Lake Huron; another Act of Incorporation that was applied for, was for the Toronto and Guelph Railroad--that Act was passed and afterwards amended. The line contained the extent of road mentioned in their Report, and the Company was amalgamated and brought into the Grand Trunk Railway Company. [This was] so with the Victoria Bridge, constructing at Montreal, of which nothing was said at the time the government made the grant to the Grand Trunk Company, and there was also a purchase made of the Atlantic and St. Lawrence Company. All these lines having been bought up and extinguished, made part of the Grand Trunk Railway.³⁴ When the Province was induced to make ... [their] guarantee, it was led to expect

that the guarantee probably would not be required. The language made use of was--"Only give us a charter, and the Company will be able to do this and that without any aid from the Province, and we will make a road superior to anything ever attempted in Canada, and which will be completed within such and such a time." But, instead of confining themselves to this road, they had amalgamated a number of others, and commenced the Victoria Bridge³⁵. This was never contemplated by the House, on granting to the Company their Act of Incorporation, for it was reasonably expected that the whole of the means of the Company would be directed to the formation and proper completion of the Grand Trunk Line, not that other schemes [of] enterprise should be gone into, in which the people of the country at large were not particularly interested. After such a diversion of the legitimate purposes for which the Act of Incorporation was given to the Company, they now came ... and by this Bill³⁶ ask[ed] the House to amend the Act under which they held their charter, by an extension of the time they had to complete their road, and by diffusing the Provincial guarantee over the whole of their works.³⁷ The Company had agreed that the line between Toronto and Quebec, should be finished in 1857. It was agreed upon when the House was in committee upon the Grand Trunk Bill, that the Executive should have power to extend the time required by the Company thereafter to complete its works, as they might think proper, and it was agreed in committee that that portion of the line between Toronto & Montreal should not be affected by that extension, but that it should apply to that portion of the line running from Stratford to Port Sarnia. He (Mr. Macdonald) had nothing to say to that. If the parties interested in that part of the line were satisfied with delay in the execution of the work he (Mr. M.) would not say a word, or as to that part situated below St. Thomas and Trois Pistoles. The House as to these parts of the line might extend their time of completion to the day of judgem[en]t for what he cared. It was very remarkable that no demand upon the House was made to extend the time on the legitimate Road of the Grand Trunk Company. The Victoria bridge work was not alluded to in the original Charter, & yet the Grand Trunk Company asked that the one million, eight hundred thousand pounds being the aggregate amount of the guarantee for that company might be diffused by the company over all the various works that they have taken hold of. He (Mr. Macdonald) would warn the House, that in departing from the original understanding they were giving the Company power to do that which according to the grant was not contemplated, namely--that the Company might speculate in other works and amalgamate with them, for at that time they did not give the House to understand, that they would ask permission of the House at a future time, to allow them to expend the amount of the guarantee upon all works they had taken up.³⁸

MR. HINCKS said that an Amalgamation Act had been passed.³⁹

MR. J.S. MACDONALD (Glengary)--There was nothing said to the effect that the sum of £3,000 per mile was to be guaranteed to any other works but those of the original Main Trunk Line.⁴⁰

MR. HINCKS.--It was not stated.⁴¹

MR. J.S. MACDONALD.--Other lines had been amalgamated into the Grand Trunk Company, and the House was to be now called upon to allow this £3,000 per mile guarantee.⁴² This was the beginning of a system which, it was his firm conviction, would ultimately throw upon the Province the necessity of taking those roads upon itself, or else of making further advances to secure the completion of the works. (Hear, hear).⁴³ Who would have thought at the time the Grand Trunk Company received from the government the guarantee of £3,000 a mile, that

they would have come down at that time to ask the House for an extension of time. It would have been laid down as treason at that time so to have predicted. The expenditure of money upon the Victoria Bridge works up to this time, amounted to £200,000, and by the time that the Engineer of the Board of Works had made his report, it would no doubt amount to £300,000⁴⁴. Adding to that the £566,000 expended on the⁴⁵ Guelph Road⁴⁶ west of Toronto, not forming part of the line originally contemplated, they would at once, paying at the rate of 40 per cent on the work done, have to take away for those works £340,000 of the \$1,800,000, originally appropriated as a guarantee for the main line between Toronto and Montreal, and Quebec and Trois Pistoles.⁴⁷ Now he wished to call the attention of the House to this question, whether when other lines had been amalgamated with the Main Line of the Grand Trunk, and forty per cent upon £800,000 had been paid by the Province for work not done upon that Main Line: was it just? They were told, however, that in case the works were a failure the government could take them as security.⁴⁸ But what security had they that those works, so greatly extended beyond the original design, would ever be completed? There had been a panic already, and a partial stoppage. What was there to prevent a renewed panic, and a more extensive stoppage, and then of what value would be the security furnished by those works? If the Government guarantee on the main Trunk were to be spread over half a dozen other works, and the money put upon the Victoria Bridge and the line west of Toronto, the guarantee would be exhausted on those works, and at the end of eighteen months they would find that the undertakings had been progressing but none completed, and, as he had said before, the Province would be called upon either to assume the works itself or to make a further advance out of the public chest. They were entitled to hold the hon. member for Renfrew and the contractors to the promises they made to the country and to this House at the time the charter was granted to the Company, that they would confine themselves to the main line of road in which the country was chiefly interested. He could see some plausibility in the proposition, if it were to give any additional certainty of the main road being finished, but on the contrary it lessened the probability of that by at once withdrawing, as he had shown, £340,000 from the principal line and giving it to new undertakings.⁴⁹ It was true that the company were proceeding with a part of the work, but they had selected those parts of the line where the work was to be done cheapest, and with the greatest facility⁵⁰, the 150 miles from Montreal to Brockville;⁵¹ and they would find, that the most difficult part of the line would remain unfinished.⁵² He believed that what he was now saying would have no more effect than idle wind, but he felt bound to declare his conviction that by the proposed diffusion of the guarantee they would be doing injustice to the people of this Province, who looked to the House for protection, and saddling the country with a responsibility that would hereafter be very seriously felt.⁵³ If the guarantee were made to apply to the Victoria Bridge, it would amount to £80,000 or £100,000, and if we got the work upon our hands, what would we do with it,⁵⁴ in ... [its] present incomplete state, and with the stock of the Company very much below par⁵⁵ at a discount of 50 per cent.⁵⁶ It was true that the company had till January 1857 to complete their works, but according to their present application it did not look as if they intended to finish them. He would move that the bill be referred to the Committee on Railroads and Telegraphs for reconsideration. He objected altogether to the 9th clause in the bill, one similar to which he had never seen before in any Railroad bill.⁵⁷

MR. HINCKS said it was in the original bill.⁵⁸

MR. J.S. MACDONALD could not admit that it was; the fifth and sixth clauses ought to meet with the serious consideration of the House, for they related to the extension of time, and the fifth declared that the governor in council might extend the time for the completion of the works.⁵⁹ It was for those interested to object particularly to that, but he must say that it was a most dangerous principle to entrust any Executive with such power. He could fancy, had hon. gentlemen now on the Treasury benches been still sitting on his side of the House, and had the late administration asked such power of extension of time and stoppage of works--he could fancy what description of language would have been used, what distrustful feelings would have been expressed, what expressions of want of confidence would have been made--but now they had an amalgamation of parties as well as of roads, and the present administration were taking the very course which they would have condemned in the late Government.⁶⁰ It was in fact a most extraordinary demand for the Grand Trunk Company to make, that the Executive should have this power, it being one which if exercised even honestly would bring down upon the Executive charges of suspicion that no government should be exposed to.⁶¹ They could not stop any part of the roads without laying themselves open to charges of improper motives, and they ought not to place themselves in a position where they would be liable to such suspicions, especially considering the charges of partiality and corruption still rankling in the public mind in reference to recent matters in the management of public affairs. (Hear, hear.)⁶² Now the 20th clause was the most important.⁶³ It was to the 20th clause, however, that he chiefly objected, being that which diffused the guarantee over the whole works.⁶⁴ By its effect the province would have to take out of the £800,000 a sum of £300,000 immediately to cover works not contemplated in the original guarantee.⁶⁵ If the contractors could not overtake the whole, the money of the Province would be gone, and the road unfinished.⁶⁶ The government had now upon the Portland and Atlantic Railroad⁶⁷, a road already in operation, and yielding returns, a lien of £470,000,⁶⁸ [OR] £400,000⁶⁹. He would like to know if that security, for example, was to be taken off a working road, and spread over works which might never be finished.⁷⁰ He might be mistaken as to the intention of the bill, on this point, and he hoped he was. Between Brockville and Montreal, he could not learn that there had been any Government inspection for the Provincial guarantee; and if this were the case, it was only of a piece with the state of affairs in the Receiver General's office, where the books had not been balanced for five years.⁷¹ He therefore moved in amendment:--

"That the House do not now go into Committee of the Whole on the said Bill, but that the same be referred back to the Committee on Railways, for the purpose of expunging the clauses which propose to transfer the guarantee of the Province to the Grand Trunk Railway, to other works not contemplated (*sic*) when the original charter was granted,⁷² which the company now have in progress."⁷³

MR. MERRITT said he would not second the motion made by the honorable member for Glengarry. There was no object to be gained in referring the bill back to the Railroad Committee,--it would only create delay⁷⁴. He would suggest to the hon. member for Glengarry, whether it might not be well to withdraw his motion and allow the Bill to go into Committee of the Whole, where the details could be fully discussed.⁷⁵

MR. CARTIER hoped that the honorable member for Glengarry would avail himself of the suggestion of the honorable member for Lincoln. The course pursued by the former honorable member was not the right one.⁷⁶

MR. MACKENZIE said, the whole subject was buried in suspicion. The capital of this Grand Trunk Company, was declared to be nine millions of dollars⁷⁷ [OR] £9,500,000⁷⁸, but did it really consist of that? This question ought to be satisfactorily answered. It was very clear, that its bonds were not a portion of the capital, and it should be ascertained by the House, whether the province is secured by the company in any way against loss. The contracts of the company which the government had recognised, were known only to a few gentlemen of the committee, but what did the members of the House generally know about them. The whole thing was wrapt in mystery.⁷⁹ So far as he could see, there had not been as much money paid up by the company as would build the Victoria bridge; Mr. Stephenson's estimate for building which was £1,500,000⁸⁰ had been paid.⁸¹ Of what good, he asked would the Victoria Bridge at Montreal be to the people of Upper Canada? None whatever, but to impede their shipping coming down, and why should the people of Upper Canada⁸², (Mr. M's.) constituents⁸³, be taxed for that? They had no interest in the matter in Upper Canada, now that by the Reciprocity Treaty they had the means of going to the best and nearest market on the continent (sic) of North America, and he objected therefore to their being led blindfold and tied down to debt for what was to ... do them no good, at the same time that they were refused Representation by population, and practically told that two of a population, not so intelligent or well educated were as good as three Upper Canadians.⁸⁴ Some honorable members of that House were in the habit of praising and puffing contracts in which they were themselves interested, and that was the way in which the people of Upper Canada were imposed upon. They were to be made subservient to the unlimited requirements of this Grand Trunk Company⁸⁵. If that was what was to be done, he for one would never be a party to it, for of all the things the Province ever took hold of, nothing was more of a myth than this Grand Trunk Railway.⁸⁶ It was a question whether the Province had any reel (sic) security at all, or whether other parties would not come in first with their claims. Why was it that the names of the stockholders could not be given to the public? Why was not the Province to know who its partners were? A few persons in a railway room were showed these names, but they were told that they must not mention it publicly. If there had been an evaluation of the work, why was it not before the House? If there had been any proceedings of the railway board why were not they before the House? The chief clerks in the public offices did not know to whom to charge the debentures issued on account of the Grand Trunk Railway; one of the heads of the departments had charged the company with debentures which they did not get, just as Peter Jones was charged with money which he never got, on account of Wesleyan Indian Missions. It was right that the Province should know what salaries the servants of this company got; whether the hon. John Ross, as President, got \$60,000 or \$6000 a year.⁸⁷

MR. HINCKS.--Not a sixpence.⁸⁸

MR. MACKENZIE.--Bless me, how patriotic our President is! He had heard of three-shilling lawyers; but never of six-penny lawyers before.⁸⁹ What assurance had the House got that if the province allowed the work to go on as it was, that bye and bye Messrs.⁹⁰ Glyn and Baring⁹¹, who held security upon the road, might not come in and take possession of the railway, and the government get nothing out of it? The House had been taken altogether by surprise in the sudden manner by which this bill had been forced on its consideration, and of the amounts issued on account of the Grand Trunk amounting to £824,000, £450,000 was held by Messrs. Glynn and Baring, and if those bankers broke down what would

become of any security, that the province might have? Who knew anything about the expenditure of the company upon this road? Nobody. He (Mr. M.) was satisfied that Sir Cusac Roney was an efficient man, but one man could not see to everything. Some of the nominal Directors, he (Mr. M.) would not trust with one sixpence in copper (laughter.)⁹²

MR. J.S. MACDONALD then, with the consent of the House, withdrew his amendment.⁹³

The motion of MR. CARTIER was then agreed to, and the House resolved itself into Committee on the Bill⁹⁴.

The first clause, involving no principle, was adopted without opposition.⁹⁵

On the second clause, which confirmed the previous amalgamation agreements, and the agreements with the contractors for the execution of works, and for the acceptance of shares and debentures in payment for such works,⁹⁶ MR. BROWN said, it seemed a monstrous thing to him that they should be called upon to confirm a contract, with the making of which they had nothing to do.⁹⁷

MR. MACKENZIE asked why the house did not put in a proviso in the clause stating that the Grand Trunk Company and all the other companies, were bound to the Province for the sums advanced to them. These contracts which the house had never seen, should not have the effect of destroying the property of the Province in the Railway until their money was paid back. Were they to leave every thing in the hands of the government.⁹⁸

The clause was carried on a division.⁹⁹

MR. FREEMAN fait motion d'ajouter une clause pour sauver la première hypothèque que la province possède sur le chemin.¹⁰⁰

L'amendement fut agréée (sic) par le moteur, et la clause ainsi changée et lue.¹⁰¹

The third clauses (sic) was carried without a division.¹⁰²

MR. BROWN moved an addition to the fourth clause, to the effect that the application of the General Railway Acts to the Grand Trunk should not interfere with any of the provisions of the original charter.¹⁰³

The amendment was lost, and the clause adopted on a division.¹⁰⁴

The fifth clause, empowering the governor in council to extend the time for the completion of the works was then moved.¹⁰⁵

MR. MERRITT moved a limitation of the time for completing the road between Montreal and Toronto.¹⁰⁶

MR. HINCKS was astonished at the honorable member for Lincoln bringing up this amendment after the discussion that took place before the committee of Railroads. The grand Trunk Company were at present ahead of the time given to them.¹⁰⁷

MR. MERRITT said, all that his constituents required was, that there should be a limit of time put, as to which the road should be completed between ... Toronto and Brockville and Montreal and Brockville.¹⁰⁸

MR. HINCKS.--The company only required that time granted to them; and the amendment of the honorable member for Lincoln was quite unnecessary.¹⁰⁹ [The

effect] would be to compel the company to complete the work sooner than their charter required them--to break faith with them is (sic) fact.¹¹⁰

MR. J.S. MACDONALD could not support this amendment: he was willing to give the company all the time they were entitled to.¹¹¹

MR. CARTIER said the government had already the power to do what this clause gave them prospectively.¹¹² The fifth clause of this bill did not alter the former position of the government with the company, the work was to be completed by the first of January 1857. The honorable member for Lincoln had no right to seek to shorten that period.¹¹³

MR. FERRES would be sorry to see the Company restricted as to time, they should have all the time that was originally granted to them.¹¹⁴

MR. MERRITT did not wish the Governor in Council to have that power which this clause gave him. He (Mr. M.) wished the portion of the line between Montreal and Brockville, and from thence to Toronto, to be finished as soon as possible.¹¹⁵ [He] admitted that his amendment compelled one Company to finish the work sooner than they were required by their charter; but he said they did not desire more time, than he proposed to give, as appeared by evidence before the Railway Committee.¹¹⁶ He thought his amendment was a just one.¹¹⁷

The amendment of the honorable member for Lincoln was put and lost.¹¹⁸

MR. BROWN said that the effect of the clause now under discussion would be that the important link of connection between Stratford and Sarnia would be indefinitely postponed, and the portion below St. Thomas would never be built.¹¹⁹ It was perfectly understood that the company never intended to finish the Stratford and Sarnia and the St. Thomas and Trois Pistoles sections.¹²⁰

MR. HINCKS.--Will the hon. member give his authority for stating that there was such an understanding? I say most distinctly that it is not true.¹²¹

MR. BROWN.--That is the hon. member for Renfrew's usual practice. When any statement is made he invariably tries to put it down by saying "it is not so, it is untrue." When we said the company would require the money for which the guarantee of the province was given, the hon. gentleman assured the House they never would want one sixpence of it. He takes the same course now, but I speak from perfect knowledge when I say there is an understanding that those sections will not be proceeded with.¹²²

MR. HINCKS.--C'est impossible.¹²³ No director of the company could possibly have made such a statement. I appeal to the hon. member for Brockville, (Mr. Crawford.)¹²⁴, whether he did not believe it to be untrue.¹²⁵

MR. BROWN.--I appeal then to the honorable member for Brockville, who is a Director of the company, whether he believes the road will ever be built to Trois Pistoles?¹²⁶

MR. CRAWFORD.--I have no reason to believe it won't go on.¹²⁷

MR. BROWN.--Do you wish it to go on?¹²⁸

MR. CRAWFORD.--I was never favorable to that part of the road. (Hear, hear.) But the question of stopping it has never come before the Board.¹²⁹

MR. BROWN.--We were told that that part of the road below Quebec could alone be built by the work being given to the great English contractors; but it is clear now that not one inch of it will be built below St. Thomas, if the company can help themselves. (Hear, hear.) And why are the works to be stopped between

Stratford and Sarnia? A company was organized to construct a road from Toronto to Sarnia. We were going on well with it, until this Grand Trunk company stepped in, took it out of our hands, and amalgamated it; and the first thing they do is to strike off half of the road. This is the second time we have had difficulty with this link of the road. On a former occasion the Railroad Committee struck out from a bill passing through the Legislature this link between Stratford and Sarnia, but we succeeded in again inserting it. And now we have the same battle to fight over again. (Hear, hear.)¹³⁰

MR. GALT said the whole of the land to Sarnia had been purchased, and a good deal of work done. The suspension of the work till 1856 simply arose from the necessity for meeting the adverse position of the money market. He spoke from knowledge, but would be likely to have the earliest information, if there were any intentions of abandoning the work altogether.¹³¹

MR. HINCKS read a portion of a communication from the Secretary of the company, to the effect that the Board did not in any way contemplate an alteration in the plans of the company's work, but that they had thought it necessary so to arrange their progress that the pressure on the shareholders might be lightened by extending the period for the completion of certain portions of the works.¹³²

MR. BROWN said that amounted to nothing whatever. Of what consequence was a letter from a secretary, if they passed this Act of Parliament doing away with the contract altogether?¹³³

MR. HINCKS.--It is only an extension of the time that is asked.¹³⁴

MR. BROWN moved that the word "Stratford" be struck out and the word Port Sarnia substituted, so that the provision might read "that no extension shall be authorized between Toronto and Port Sarnia" (instead of between Toronto and Stratford,) beyond the 1st July, 1857.¹³⁵

MR. GALT.--That would be utterly impossible, and besides the present agreement allows us a twelvemonth longer.¹³⁶

MR. BROWN expressed his willingness to alter his amendment so as to make it conform to any existing agreement. The whole clause was a most extraordinary one. They had passed Acts of Parliament to guide the erection of those great works, and now they were asked to transfer all the control they had over them to the Executive Government. Why did not the Company come down at once and tell the House what time they wanted for completing their works, instead of asking that such extraordinary powers of extension should be given to the Executive?¹³⁷

MR. HINCKS.--It would be utterly impossible for them to fix a time.¹³⁸

MR. BROWN.--Surely they can tell us within six months or a year. Is it the intention to build up additional political power in the hands of the Executive? Have they not power enough already?¹³⁹

MR. HINCKS.--If the House will extend the time to 1860, we will leave out all reference to the Executive Government. We do not want one day's extension beyond the time allowed by the charter, if we could avoid it. But it is necessary, in the present condition of the money market, that the contractors should have some protection.¹⁴⁰

MR. BROWN.--If the contractors have such difficulty in meeting their engagements, how is it that we find the company almost every day going into new contracts, amalgamating and incurring new responsibilities almost every day?¹⁴¹

MR. HINCKS.--What works are we amalgamating?¹⁴²

MR. BROWN said they had taken up the Portland Road.¹⁴³

MR. HINCKS.--That was in a different state of the money market.¹⁴⁴

MR. BROWN.--Have you not commenced a bridge to cost \$8,000,000? Have you not had negotiations for amalgamating the Northern road? Have you not at this moment negotiations for amalgamating with the Great Western road,¹⁴⁵ et dans le bill il y a une provision qui permet à la compagnie de construire des lignes de chemin jusqu'au fleuve St. Laurent et aux Lacs.¹⁴⁶ In this very Act we have a clause enabling the company to construct any branch roads they choose, in any part of the country.¹⁴⁷

MR. CARTIER.--That has ... been struck out by the Railroad Committee.¹⁴⁸

MR. BROWN.--No thanks to the company for that! Most certainly they wanted it.¹⁴⁹ It was so much the worse then for the company--why was this clause to extend the line, pressed through now?¹⁵⁰ Why should we extend the time to 1860 --six years ahead?¹⁵¹ He could not understand how it was that the Legislature were required to say, in 1854, that the company might not be able to finish the work till 1860, six years.¹⁵² Do they suppose, if they find that they require additional time, that the Parliament will be unreasonable in meeting their wishes? Why hand over the power to the executive, instead of leaving it with Parliament to deal with the circumstances of the case as they arise?¹⁵³ And I do ask that my constituents shall be protected in this matter, that you shall not put the Sarnia section of the road aside altogether. Having taken the road out of the hands of the people of Toronto and Sarnia, who were ready to complete it themselves, I say it is not fair that an exception should be made in regard to it. It ought to be put in the same position as the rest of the works.¹⁵⁴ He would conclude by moving, "that the word Stratford be struck out and Sarnia inserted."¹⁵⁵

MR. J.S. MACDONALD supported the amendment. He considered it dangerous to give so much discretionary power to the government.¹⁵⁶

MR. DEWITT saw no good reason for an extension of time being granted at this period. If the work went on properly and more time was necessary to complete it, he had no doubt¹⁵⁷ [and] was satisfied that¹⁵⁸ the Legislature would render every aid, and any reasonable extension of time. He did not want to make in this country an oligarchy ... by giving extraordinary discretionary power to the ministry.¹⁵⁹

MR. HINCKS was astonished to hear a gentleman of so much experience as the hon. member who had just sat down, talk of the company coming to Parliament at the end of the time allowed wanting an extension. In works of such magnitude, it was necessary to make arrangement[s] two or three years beforehand. All the public works in this country had been made by British capital, and this was the way they treated them!--They refused to give the executive government of their own country the power of extending the time for a paltry year and a half in the case of an emergency. These gentlemen were strangers who had embarked their capital in our works--capital which from unforeseen circumstances had already sunk in value. Disastrous events had occurred, there was a crisis in the money market, the value of money was raised to an enormous extent, money being now worth in Montreal 12 per cent, double what it was a year ago. Was this a time to refuse the applications of those gentlemen? They asked no extension for the

section between Montreal and Brockville, or between Toronto and Stratford, and only six months for the line between Brockville and Toronto and between Quebec and St. Thomas.¹⁶⁰ The portions for which a year and a half extension was required are the Stratford and Sarnia, the St. Thomas and Trois Pistoles sections, and the Grand Junction.¹⁶¹ The line from Stratford to Sarnia also was under contract, although suspended for the present. Besides, it was well known that the line between Toronto and Sarnia was under one contract¹⁶² and there was no intention to abandon it.¹⁶³ The rest of the line under another, and Messrs. Galt and Holton, the Toronto and Sarnia contractors, would themselves admit that nothing could be more unjust than to take the first capital to finish their line entirely, instead of their having to bear part of the delay as well as the other contractors. They had endeavoured to deal fairly with all the contractors, and with the country, and they had suspended these portions of the line which could be best postponed.¹⁶⁴

MR. BROWN.--Why could the Stratford and Sarnia link be best postponed?¹⁶⁵

MR. HINCKS.--Because the rest of the road is one continuous line from St. Thomas to Stratford. When I was in London in April last, I had abundant evidence that it was the wish of the company to press forward all their works pari passu, but the state of the money market was such that they were obliged to cut off and suspend certain portions of the line. The sections we did cut off were those which it was most expedient to have suspended. We know very well that the hon. member for Lambton represents the county where Port Sarnia is situated. No doubt his constituents would like the Stratford and Sarnia section to go on, but we have to consider other interests besides theirs. And I do not think the hon. member for Lambton is really serving his constituents by his attempts to embarrass the company. I am astonished also at the course taken by the member for Glengarry, especially his attempt to excite a feeling as to the delay of the eastern extremity of the work, in which he cannot possibly have any interest. I can assure the house, that the stoppage of that part of the work has never been proposed or suggested in any shape.¹⁶⁶

MR. J.S. MACDONALD (Glengarry).--The hon. member for Renfrew has not answered my remarks. I contended that if the money was expended on works not originally contemplated, we would have the less security for the main line being ever completed. It is said that there is a depression in the money market, but, looking to such contingencies, the company should have gone on with the main line, instead of undertaking other works and other contracts. (Hear, hear.)¹⁶⁷

MR. ROBINSON.--I would like to ask the hon. member for Lambton whether it is most important to complete first, the road from Montreal to Toronto or from Toronto to Sarnia?¹⁶⁸

MR. BROWN and MR. J.S. MACDONALD exclaimed simultaneously, to Sarnia most undoubtedly.¹⁶⁹

MR. ROBINSON did not think so. The portion between Montreal and Toronto was undoubtedly the most important. They had at present the Great Western Railroad, and that answered very well. He thought the Grand Trunk Company should have every allowance made to them in the present state of the money market¹⁷⁰. I trust that the road to Sarnia, will be completed, but I think we should not press too hard on the contractors, but for whom we would never have had 50 miles of the line completed.¹⁷¹

MR. HINCKS said it was not intended to extend the Provincial guarantee, to the Victoria Bridge, by making it part of the Grand Trunk Line, British

Capitalists were going to expend some £2,000,000 more than they would if this bridge had not been undertaken. The amount of the guarantee to which the company were entitled was specified in acts of parliament, and it amounted to £1,811,000¹⁷². It was proposed to spread the guarantee over the whole works, instead of the portion to which it previously applied; and the effect would be, that the Provincial advance on the works would, instead of being forty per cent as at present on the value, be only about thirty per cent.¹⁷³

MR. FERRES said that was a breach of the bargain; but he had no objection to extending the time to 1860 for the completion of the work in view of the¹⁷⁴ state of the labour and money markets.¹⁷⁵ [He] said, it would not be fair to push the company to complete the work before what, in the circumstances of the case, would be considered a reasonable and liberal time.¹⁷⁶ And as to the Trois Pistoles section, he would waive, as a Lower Canadian, all claim to that being gone on with, till the Sarnia section was finished.¹⁷⁷

MR. BROWN said that in the six years between this and 1860 the money market would be up and down a dozen times. In reference to the remark of the hon. member for Simcoe, that unless those contractors had taken hold of our railways, fifty miles of road in Canada would not now have been completed; he would ask the hon. member to say if the Great Western would not have finished 50 miles? If Gzowski & Co. would not have finished 50 miles of their road from Montreal to Toronto? If the citizens of Toronto would not have finished 50 miles of their road from Toronto to Sarnia? If the Quebec people would not have finished 50 miles of their Richmond and Quebec line. (Hear, hear.) If the Buffalo and Brantford, the Erie, the Cobourg, and all the other roads would all have gone to sleep but for the magical influence of these great English contractors? They talked about the good management of the Grand Trunk Company; but the hon. member for Renfrew would not deny that had they put the whole of their stock on the market at once, instead of dividing it among favoured speculators, the whole stock would have been taken up. Did that show good management on the part of the company? Did the hon. member for Simcoe know that at this moment there was a company here asking for a charter for the Amerstburg and Niagara road, to run in opposition to the Great Western, who declare themselves prepared to pay down in cash a capital of five millions of dollars?¹⁷⁸

MR. HINCKS.--It is quite ridiculous to think of such a thing.¹⁷⁹

MR. BROWN.--I can only say this, that I am assured by the parties interested in that road, that they are prepared to produce undoubted subscriptions for five millions, and to deposit one million of dollars as security that the road will be finished in two years. The Grand Trunk Company obtained their charter in 1852. We have not had war during all the time since that period. They told us they would not take half the time the charter gave them. They talked as if we in Canada knew nothing at all about building railroads. But, I ask, by whom has the road actually been built? Has it not been built by Canadians almost from one end to another? (Hear, hear.) And look at the position in which this great Company stands before us already--before they have well commenced operations. Hon. gentlemen have to get up and tell us that some of the works must be delayed beyond the last day of the contract and some portions cut off altogether. Have we ever had such an application before from any Company, where the work was in the hands of Canadians?¹⁸⁰

MR. HINCKS.--Many charters have expired for non-usal (sic).¹⁸¹

MR. FERRES.--The Montreal and Vermont have had a charter for five years and done nothing.¹⁸²

MR. BROWN.--And very wisely, for there are two Competing lines already, one of which has had to be temporarily shut up. The hon. member insinuated that I was actuated by personal motives in insisting that the Sarnia line should be completed. It is quite true that in so insisting, I consulted the interests of my constituents, and if I did not stand up for them, no other would. (Hear, hear.) But at the same time it is not they alone who are interested. The whole Province is interested in the completion of the road to Sarnia. (Hear, hear.) And when the hon. member for Renfrew says that part of the line is not necessary, I reply that the Grand Trunk line will never be worth half its value, until that is completed. The gallant knight, the member for Hamilton will admit this.¹⁸³

MR. PRES. EX. COUN. MACNAB.--I have no hesitation in saying that I believe that to be the most valuable part of the line. (Hear, hear.)¹⁸⁴

MR. BROWN.--I am astonished that the hon. member for Renfrew should get up and say that this is an insignificant part of the line, and still more astonished that he should be supported in that statement by the hon. member for Simcoe. (Mr. Robinson.) Here you are to have a consecutive line from the sea board, all the way through from Portland to Stratford, and you stop short within 75 miles of the natural terminus.¹⁸⁵

MR. HINCKS.--Who will suffer by it?¹⁸⁶

MR. BROWN.--All will suffer by it. It is a matter of great national interest, and it shows very little regard to the national interest, to say that the most important link of the whole chain shall be left out. If this road is to be of any good to the country, it must be by completing it to the American line, and it must be done immediately, for already the people of Detroit are making a line to attract to the south the immense Western traffic which ought to come through [t]his Province by means of the Grand Trunk. (Hear, hear.) In such circumstances, to stop short within 70 miles of the terminus is the most absurd proposal that could be made. It is only through traffic that has made the Great Western pay, and it is only by the through traffic that we can expect the Grand Trunk to pay.--The great Inducement held out for proceeding with the Grand Trunk, was that it would attract all the western traffic down through Lake Huron and across the Michigan Peninsula to Sarnia, and then bring it through (sic) this Province, and yet the hon. gentleman gets up now and says that we must leave the last link uncompleted.¹⁸⁷

MR. HINCKS said that by the original charter of the Toronto and Sarnia Company, 10 years were allowed for the completion of the road. The present Bill was to limit them to two years less.¹⁸⁸

MR. GALT made further explanations on the same point. The contractors were not bound to any specific time with the people of Toronto, but when the Company surrendered the road to the Grand Trunk, it was agreed that it should be finished on the 1st July, 1858.¹⁸⁹

MR. BROWN said he was quite willing that the time for completing the road should be extended to that period, but he insisted that it should not be put off indefinitely. When the original stockholders ... agreed to hand over the road to the Grand Trunk, it was on the express condition that it should be finished within a certain time, and he contended that that arrangement should be carried out.¹⁹⁰

MR. GALT said that from the state of the money market during the last 18 months, he believed it would have been impossible to raise the necessary funds for completing the road without interruption, had it remained in the hands of the original Company. But by incorporation with the Grand Trunk, and the extension to that part of the line of the Provincial guarantee, they had been enabled to go on. Without that arrangement he thought it would have been impossible to have gone on beyond Guelph, without at least a suspension.¹⁹¹

MR. BROWN.--How much has been expended west of Guelph?¹⁹²

MR. GALT.--I think about £200,000 west of Guelph, and about £350,000 east of Guelph. Very much of the heaviest part of the work is between Toronto and Stratford, and the expense of constructing the road from Stratford to Sarnia is reduced to so small a sum, compared with the advantage of getting the whole through connection that I am satisfied when the time has elapsed, during which a suspension has been agreed upon to the 1st Jan. 1856. I am quite sure, when that time arrives, unless there is a complete revision of the state of affairs, that it will then go on.¹⁹³

MR. BROWN.--The honorable gentleman admits that it is a most desirable thing to have that road completed, and why on the contrary it should be made a special exception, it is not easy to understand without attending to the proposals that have been made for an amalgamation between the Great Western and the Grand Trunk, and seeing that beyond a doubt it is the object to have the Sarnia road altogether.¹⁹⁴

MR. FERRES.--I shall be very glad to forego the road to Trois Pistoles, till the honorable member for Lambton gets the western section completed.¹⁹⁵

MR. BROWN.--It is very cool for the honourable member, after having got all he wanted, by having railways radiating from Montreal in all directions, to make such a concession. The honorable member has changed his tune in a very short time, and the panegyrics he has made tonight on the Grand Trunk Railway, when they appear in print, will contrast very ill with the language he was wont to use.¹⁹⁶

MR. FERRES said he was surprised the hon. member (Mr. Brown) made so poor a return for his (Mr. F.'s) liberal offer, with respect to the Trois Pistoles road.¹⁹⁷ I am only sorry that so great a favour should have been so slighted.¹⁹⁸ With respect to extending the time of making railways, he begged the hon. member to bear in mind that it took 10 years to make the St. Lawrence and Atlantic road.¹⁹⁹

MR. CAUCHON said it was 17 years before a shovel full of earth of the Great Western Railroad was removed; and he contended that every reasonable delay should be granted to the Grand Trunk Company.²⁰⁰

MR. BOWES asked that some assurance should be given that the road should untimately (sic) be continued to Sarnia. Without that assurance the people of Toronto would feel greatly disappointed.²⁰¹ He held, that the Western section would pay the best.²⁰²

No response was made to the appeal of the honorable member²⁰³.

Mr. Brown's amendment for limiting the extension of time for the completion of the Sarnia section to 1st July, 1858, was put and lost²⁰⁴, only 4 or 5 members voting for it.²⁰⁵

MR. ALLEYN moved an amendment to the effect that the clause should be altered so as not to apply to the Trois Pistoles road.²⁰⁶

[The amendment was] lost without division.²⁰⁷

The 5th clause was then adopted, and also the 6th.²⁰⁸

On the 7th clause, providing for the increase of the capital of the company, MR. FREEMAN moved an amendment, having the effect of protecting the Government's first lien, and also the rights of individuals holding security on the road.²⁰⁹

The amendment was consented to by the promoters of the Bill, and the clause as amended was adopted.²¹⁰

MR. FREEMAN moved to add a proviso to the eighth clause, that no mortgage or bond should interfere with the priority of [a] loan held by the government; which was carried²¹¹ without opposition.²¹²

MR. MACKENZIE, MR. MERRITT, and²¹³ MR. DEWITT²¹⁴ stated their objections to members of the Government being at the same time Directors of the Grand Trunk Railway.²¹⁵

MR. GAMBLE contended it was a bad principle to have members of the government directors in the Grand Trunk Company.²¹⁶

MR. FERRES stated, that he thought members of the Government should not be Directors of the Grand Trunk Railway, but he thought it might be desirable that the Government should appoint Commissioners to be directors in the Company, to look after the interests of the Province.--These Commissioners to be non-political, and not to be removed if a ministry should go out.²¹⁷

MR. J.S. MACDONALD, (Glengarry) also opposed the system of having Government Directors. It placed a great deal of power in the hands of the Government, too much he was afraid to be willingly sacrificed.²¹⁸

MR. FREEMAN moved an amendment that no member of the government be, or be qualified to be, a government director. The proper discharge of their duties was quite sufficient to the members of the government; and if they were railway directors, they might neglect their proper duties.²¹⁹

MR. HINCKS dit qu'il n'y a eu aucune objection dans le commencement de la part du gouvernement ou de la part de la compagnie à ce que les membres du ministère fissent partie de la direction du chemin²²⁰. [He] said the company never desired to have them, but that was a condition imposed upon them by the Legislature²²¹ for the interests of the Province. He had never been a Government Director himself, and he could therefore speak on the point with perfect freedom. And he must say that he could not conceive what object members of the Government could have in being placed on the Board of Direction, beyond watching over and protecting the interests of the Province.²²² The Inspector General would have to look after the affairs of the company, and his duties as director in the company were consistent with his general duties as Finance Minister.²²³

MR. BROWN opposed the system. One strong objection to it was that by the presence of the Government Directors, the whole Province was made responsible for all the doings of the company. For example, when they induced parties to take stock by assurance that a return of 11½ per cent. might be expected, those parties went very much on the supposed responsibility of the Province being attached to the statement, in consequence of the presence of the Government Directors. (Hear, hear.)²²⁴

MR. J.S. MACDONALD did not think that after all, at this stage of the progress of the Grand Trunk when about one third of the work was done, it would be the proper time to take away the Government directors.²²⁵ They ought to be kept to the responsibility of the promises of the company.²²⁶

MR. MACKENZIE.--That is right--keep them to it.²²⁷

MR. SOL. GEN. D. ROSS contended that it would be in the last degree injurious²²⁸ [and] injudicious²²⁹.

MR. FREEMAN said he would withdraw his amendment, if assured that the carrying of it out would have the slightest effect in injuring the company in the English money market.²³⁰ He had no desire to do anything that would embarrass the company.²³¹

MR. HINCKS said if there had been originally no government directors, he thought it ... would have been just as well that there should continue to be none; but²³² that in present circumstances, the withdrawal of the Government Directors might have that injurious effect in the English money-market.²³³

The amendment was therefore withdrawn, and the clause adopted, as were also the clauses from the 10th to the 19th inclusive, without further discussion.²³⁴

The 20th clause was read. The effect of this clause is to substitute a charge upon the whole works instead of special charges on the several works to the extent of the guarantee.²³⁵

MR. CHISHOLM felt he must object to this.²³⁶

MR. HINCKS said--Since we have come to the discussion of this clause I wish to assure honorable gentlemen, who may scarcely understand how important it is, that this is the entire favour we are asking, and if it is not granted, I have no hesitation in saying that it would involve the total ruin of the company and the suspension of their works. I was obliged by my position in England in April last, when it was impossible for me to consult with any of my colleagues, to give an assurance that that would be carried out, and I would now wish to put honorable gentlemen exactly in possession of the true facts of the case. The last contracts under the amalgamation agreement were all cash contracts with the contractors, but in a certain event to take the B series of shares. The stock was divided into A and B series, the half of the capital being raised at first, and the remainder being postponed for twelve months, and the shareholders of the A series which were first issued were to have the option of taking the B series for twelve months, and in the event of the shareholders not exercising that option and taking the B series, the contractors were bound to take them. It is true, as the honorable member for Lambton had said, that had the whole been brought out at the time the whole would have been taken up, but one fortnight later and none would have been taken up.²³⁷ Mais on ne doit pas blâmer la compagnie de cette erreur, car les personnes les mieux informées jugeaient qu'il serait très dangereux d'émettre plus que la moitié des actions à la fois, bien que le résultat ait démontré qu'ils se trompaient, puisqu'il y avait des applications pour un nombre beaucoup au-delà de ce qui était émis.²³⁸ But the arrangement having been made as it was, the effect of it was this that unless the A series of stockholders took the B series at the end of the year, the whole of that would go to the contractors, who would have to be paid for their contracts in the B series of stock, and the consequence would have been that the contractors would have been compelled to force that stock on a depressed market, and the result would have been perfect ruin to the existing stock of the A series. There was serious danger that the whole concern (*sic*) would be ruined; and in order to avoid that it was the unanimous opinion of the Directors that

the scheme now submitted should be adopted--the Board of Direction comprising as many as four Directors of the Bank of England, than whom of course, none could be better acquainted with the money-market. I was in London at the time, and I can unhesitatingly state that the proposition did not in any way originate with the contractors. It came from the directors, and was intended to protect the company also from ... serious loss and embarrassment. The whole position of the case was therefore very strongly urged upon me by the Secretary of the Company, and this proposition was made whether an arrangement could not be effected with the contractors, by which they could go on with the work on certain conditions, the stock they were bound to take being reserved till the last portion of payment and so kept out of the market in the meantime. They were thus enabled, through the instrumentality of Messrs. Barring and Glynn who advanced money on the bonds, to keep them out of the market. An arrangement was thus effected by which the whole of the B series were kept back and made applicable to the suspended portions of the road, suspended till January, 1856. As regards the Victoria Bridge, there is a great deal of unnecessary alarm on that subject. Any one will see, who examines the evidence taken and knows the state and condition of the works and the progress that has been made, that by the end of 1856 there will be sufficient miles of road completed in a continuous line to absorb the whole amount of the Provincial guarantee, and as the works of the Victoria B[r]idge must be spread over a period of five years, there cannot be advanced on the Bridge, until nearly 600 miles are fully completed, beyond £240,000 of the Provincial guarantee. And not only will 261 miles of the road have been entirely completed next year, but necessarily there will be a considerable expenditure of capital on the 184 miles of road between Whitby and Brockville which is to be opened in 1856. Consequently by the end of next year there will be an amount expended on the legitimate Grand Trunk Road between St. Thomas and Stratford, which will very nearly absorb the whole of the Provincial guarantee, and in 1856, the whole will be absorbed by the completed lines. Therefore as to the Victoria Bridge there is a good deal of unnecessary alarm. It was necessary by the arrangements of which I have spoken to throw all the works together, and I have no hesitation in saying that had the Company offered not only to make the Grand Trunk, but also the Victoria Bridge and the Toronto and Sarnia road, the two involving an additional expenditure of three millions--had they offered to do this with their capital, without asking any more guarantee[s], as in fact they are now doing, the Province would have been glad to have held them to it, considering that they were making a far more advantageous bargain. For what is the security the Province have for this guarantee? It is not the capital expended on these works? And I venture to say there is no hon. member of this House who has examined the works of the Company, but will say that these works are done in the best manner possible--that they will be works, as stated in the prospectus, second to none, and I believe superior to any on this continent. As to the raising of capital, the road to Sarnia could never have been completed without interruption--the capital could not have been raised in a more advantageous manner than under the contract with the Grand Trunk Company. Taking this work altogether, the manner in which it is being performed and everything else, hon. gentlemen may be perfectly satisfied that all the alarm which has been excited about it will be found perfectly groundless. One word more as to the Victoria Bridge. The most eminent professional advice the Grand Trunk Company have been able to get has been strongly and repeatedly given that the Victoria Bridge is the key of the whole Railway system of the country, and that it is a work which could not be postponed, as it will take five or six years to finish it under any circumstances. There cannot be above £200,000 or £300,000 expended upon it in one year and nothing could be more

illiberal than to attempt to exclude it from the present arrangement. We are giving the Province additional security on the expenditure of our capital, and are simply asking to be allowed to go on with those works in the manner that the Engineer and all others connected with the undertaking believe to be most advantageous for the interests of the Province.²³⁹

MR. J.S. MACDONALD of Glengarry.--What amount of guarantee is to save the country from the ruin the hon. member for Renfrew talks of?²⁴⁰

MR. HINCKS.--When I speak about ruin, if this proposition is not adopted, I allude to its being a violation of all the arrangements that have been made with the contractors. All would be broken through if we were unable to carry this Bill.²⁴¹

MR. J.S. MACDONALD.--How much do you expect to get immediately on the passing of this Act? How much of the guarantee would be at once available?²⁴²

MR. HINCKS.--It is no sum of money that I could name. The main point is, that without it, there would be an entire breaking up of all the arrangements. I believe some £300,000 will be available instantly.²⁴³

MR. J.S. MACDONALD.--Then you will give orders for the immediate distribution of that in London. That is to be paid for what is past. Now how much of the work has already progressed? We have seen evidence that the chief part of the work hitherto done lies between Brockville and Montreal, which is the easiest part of the whole.²⁴⁴

MR. HINCKS.--Who says so?²⁴⁵

MR. BROWN.--Mr. Keefer's estimate and report.²⁴⁶

MR. HINCKS.--Mr. Keefer's estimate amounts to nothing whatever. When he speaks of that section of the works, he speaks in utter ignorance. An enormous expenditure has been incurred on that particular section of the work, particularly at St. Anne's.²⁴⁷

MR. J.S. MACDONALD.--The grade is only about five feet in the mile, and in other respects that section is the easiest on the whole line. It appears then that £300,000, or perhaps more, of the guarantee will be issued immediately on the passing of the Bill, which added to what has been previously issued, will leave only about half of the guarantee to finish the work. Now up to this time there have been only expended some £200,000 or £300,000 on the bridge which will cost a million and a half or two millions. Then we have the Quebec and Trois Pistoles road remaining to be made, and the road from Stratford West all entitled to a share of the guarantee, the whole of the balance of which will be required to finish the road between Brockville and Toronto.²⁴⁸

MR. HINCKS.--The hon. gentleman talks as if no work were going on there. He forgets that the road will be opened between Whitby and Toronto next year.²⁴⁹

MR. BROWN.--The important statement made a few minutes ago by the ex-Inspector General, I confess has changed my opinion very much. The hon. gentleman has gravely announced to us that unless these privileges were granted to the Company, the works must be stopped, and there must be an entire failure on the part of the Company, I would not like to take the responsibility of refusing the application of the Company in such a state of circumstances.²⁵⁰

MR. HINCKS interrupted the hon. member, in order to lay before the House the exact circumstances of the case, by reading the correspondence which took place in London between himself and the Company, remarking that he was perfectly willing

to incur any odium whatever which the public of this Province might lay upon him for the part he had taken.²⁵¹ He would [take] the responsibility of reading a correspondence that had taken place between himself and the Secretary of the company when he was in London last spring, although that correspondence was private. Here he read a letter of Mr. Chapman to himself²⁵² stating the difficulties under which the Company laboured, and making the proposition for the suspension of some of the works, an extension of the time required for completing the line, and the diffusion of the Government guarantee over the whole, which he had formerly explained. He also read his own reply to the letter, in which he stated that as the case was one which admitted of no delay, he took upon himself the responsibility of complying with the requests of the Company and that he thought the Canadian Legislature would scarcely (*sic*) refuse a reasonable extension of time.²⁵³ [He] stated that he attached great weight to the recommendation of the financial agents of the province.²⁵⁴ He admitted that the Stratford and Sarnia and St. Thomas and Trois Pistoles section[s] were those which could be best postponed with least disadvantage to the public, and assured the Company that the Canadian Government would assent to the plan they proposed, and would take the necessary steps for obtaining the sanction of the Legislature. Having read the two documents, which were of considerable length, the hon. gentleman proceeded.-- In writing that letter to the Grand Trunk Company, I admit that I took large responsibility on myself. The weight of that responsibility, however, was much diminished by the cordial co-operation of the Government, of which I was a member, and I have every reason to believe that the change of administration has caused no change in the disposition of the Government, that good faith should be kept with the parties in England. Under the circumstances of the case, I have taken the responsibility of reading that correspondence. I do not think it a correspondence, which it would be either for the interests of the Province or of the Grand Trunk Company to have it made public. It is a correspondence showing the difficulties they have had to contend with in prosecuting this great work, but I have been compelled to read it in consequence of the opposition given to this clause, that hon. gentlemen may see the difficulties under which the Company found themselves when those propositions were made. Having done so, I leave the matter in the hands of the House.²⁵⁵ He had to say that his colleagues readily assented to the promise he had made, and he had no doubt the present government would. No guarantee beyond the original amount specified was asked, namely, £1,511,000²⁵⁶. Hon. gentlemen will see that the clause now under consideration involves the essential point in the whole matter, so far as the interests of the Company are concerned, and that the whole objects (*sic*) is to prevent the B series being thrown upon the market. I feel satisfied, and every one who makes any enquiry as to the stability of the contractors will be satisfied that they will carry through their contracts, although they very properly claim that in carrying through a work of so much magnitude they shall be dealt with in a liberal spirit, and that advantage will not be taken of a state of things which certainly was not foreseen at the time, to press them down harshly and unnecessarily, as regards the interests of this Province.²⁵⁷

MR. BROWN.--Why was this correspondence kept back till the last moment? (Hear, hear.) Why were we told that they did not want a single day's delay, and only now we are told that ruin is starting (*sic*) them in the face, and that the bargain was made many months ago that this would be carried out? Will the House submit to this sort of thing, that the Premier should go to England, make a bargain and settle the whole matter, and then put the Bill into the hands of a private member, stating the whole time that there is no bargain and that it is quite a simple thing? I ask whether in all this the House has been fairly

treated. I have been accused of dealing unfairly with the Company in offering opposition to their demands. But would this have been brought out without the opposition? (Hear, hear.) When we see these documents brought out almost at the point of the bayonet, I ask has this House been properly treated? Was it fair that the bargain should have been kept back from the country for so many months? The hon. gentleman said it would not be for the benefit of the country that the correspondence be made (sic) public. I cannot believe that any good and (sic) will be obtained by bottling it up. There was never anything made by deception, and false statements, and the attempt to get this Bill through on false pretences is more damaging to the railroad, more damaging to the Province, and more damaging to the statesmen of this country than anything else that could well be imagined. If the hon. gentleman's speech is reported and goes forth to the public, and the country learns that after the whole thing has been kept secret so long, the hon. gentleman came forward at the very last when compelled to do so, and says "now I will tell you the whole truth"--what effect will that have abroad? Will people not believe that there is far more that (sic) this beyond it, and that no reliance can be placed in the statements regarding this road? To come back to the matter under discussion, I readily admit that, if the Company has got to that position that in order to save it from total ruin they must have the money--I admit that that changes the aspect of the case. But we should have time to deliberate on it, and we ought to know that, if we grant these additional privileges to the Company, they will be sure to finish the road. If this sum of money is given to help on the contractors, we ought to have some assurance that it will enable them to go through with the work. (Hear, hear.) According to the hon. gentleman's statement, the contractors had agreed to take the whole of the B series of shares, amounting to $3\frac{1}{2}$ millions sterling, $1\frac{3}{4}$ millions being stock of the Company, $\frac{7}{8}$ of a million Provincial Bonds, and $\frac{7}{8}$ of a million Bonds of the Company. Now the hon. gentleman says that in consideration of this arrangement being carried out, Messrs. Glyn and Baring agree to take the Bonds of the Company to the amount of $\frac{7}{8}$ of a million, $1\frac{3}{4}$ millions in stock being left to the end for those works that are deferred. Now I think it fair to the House that we should be shown clearly and distinctly that, if we grant this to save the Company from ruin, and to prevent the stoppage of the works, we will really secure that the works shall go on. If that is shown to us, I would hesitate to vote against the Bill, but they have not as yet shown that by our granting this they will have the money necessary for going on with the works without interruption. On the second reading of the Bill, it was stated that only £310,000, had been issued to the Company of the Provincial Guarantee. Now I find in the evidence of Sir Cusack Roney that they have received double that amount.²⁵⁸

MR. HINCKS.--No! No!²⁵⁹

MR. BROWN.--Then the other statement of the honorable member for Renfrew in the explanations that passed between him and the hon. member for Glengary is not correct. The honorable member for Renfrew stated on the second reading of the Bill that the Company had now expended on works, and materials delivered, 3 mi[1]lions of pounds, 40 per cent on which would be £1,200,000. If they have only got £3000,000 (sic) they will receive another £9000,000 (sic) immediately on the Bill passing. When the honorable gentleman stated on the second reading that three millions had been expended, I followed it up immediately by the statement I have just made. The result would be that immediately on this Bill becoming law, only £600,000 would remain to the guarantee to secure the other works being completed. Rather than allow the works to be stopped, and ruin to befall the company, I would give them their Bill and advance that £900,000, if

we had sufficient security that the rest of the works would be done, but I am not willing that they should go on with the new works. The Victoria Bridge was undertaken by the company on the understanding that they had means of their own to construct it, and I am not willing that the money given for a railway to go through the country should be taken from the railway and put down on the bridge or any other work whatever. But if they shew that that is absolutely necessary to carry the company through their difficulties, I may waive my objections, but we must have security for the company completing their engagements. Supposing the present difficulties continue, and that the B series of shares and the remainder of the A series are now sold, what security (sic) would we have then? When you give up the Provincial Debentures, what security have you that the remaining 60 per cent of the A series will ... [ever] be paid up? Will we not be left entirely dependent on the position of that stock in the money-market? I for one am not willing to consent to that. I ask that the country shall be treated fairly in these matters, and that we shall not be left in the position of only finding out these things, one by one, after long discussion. I am not willing to be dragged on thus day after day with new statements only gradually leaking out. I hope that this correspondence will be printed, and that now at length we may rest satisfied that we have got to the bottom of the matter.²⁶⁰

MR. FERRES thought after the disclosures contained in the correspondence (sic) the committee ought to rise and have time to consider its course.²⁶¹

MR. HINCKS.--The honorable gentleman [Mr. Brown] had spoken with great warmth, and in the attack he has made upon me has²⁶² endeavoured to persuade²⁶³ the House that there has been nothing but falsehood and false pretences throughout. Now I put it to the House what new position has been developed dy (sic) the correspondence just read. Have we not said all through that the object of the proposition contained in that clause was to enable us to suspend a certain portion of our works. The honorable gentleman asks for a security that those portions of the road will be finished that we say will be finished. All the security we have is that which we have had all along, the security of solvent and efficient contractors. Had this arrangement not been made the company would have been left in a position of the greatest possible embarrassment.²⁶⁴

MR. MACKENZIE.--How much better are we now?²⁶⁵

MR. HINCKS.--As it is now, every portion of the work has been fully provided for, by absorbing the full amount of the guarantee to which the company are entitled. The completion of the road is secured by the contracts of responsible men who have undertaken contracts as large as this before, and have never failed in any one instance in their contracts.--Even supposing they had to bear the loss of this £1,800,000 of the B series, no doubt that would be a tremendous thing to them--no doubt this great job that has been so much talked of is more likely to be a loss than a gain to them. To hon. gentlemen opposite it may be a triumph--to me it is anything but a triumph, to think that such men embarking their means in this country should suffer loss by it. They stand in great danger of losing by it, but I am firmly persuaded they are able to bear the consequences, and even the loss that may fall on that £1,800,000 of stock which they are obliged to take.²⁶⁶ He would put it on the table and leave it for them to do with it what they pleased.²⁶⁷

MR. GALT.--I am desirous of addressing a few words in reference to a point raised by the hon. member for Lambton. He said he would be perfectly willing to comply with the proposition of the company, if he saw any reasonable prospect

of the work ever being completed. I think²⁶⁸, as sub-contractor,²⁶⁹ I can put the House in possession of information which will throw some light upon that point. The works which it is now proposed to go on with are from St. Thomas to Stratford, including the expenditure on Victoria Bridge. Between Montreal and Toronto the expenditure will be £3,000,000, on the Stratford section, £1,000,000, on the Victoria Bridge for three years, say £750,000, on the Trois Pistoles lines, £320,000, which added together give a total of £5,070,000. There has been an expenditure on the St. Lawrence and Atlantic of £350,000, and on the Quebec and Richmond, £350,000, making a total of £5,770,000. The way in which it is proposed to provide for that expenditure is as follows. The A series of shares and bonds amounts to £3,675,000, the provincial bonds of the B series, £905,000, and the company's bonds of the B series, £955,000, making a total of £5,435,000. There are also the Reserve bonds of the company, amounting to about £300,000, the stock and shares of the Toronto and Guelph road, about £130,000, and the bonds held by the St. Lawrence and Atlantic, £100,000. Adding these together, they amount to £5,965,000. It thus appears that the company will have a considerable surplus to carry out their engagements, besides the whole of the remainder of the B series, £1,800,000, and also £500,000 of Reserve shares, making together £2,300,000 for the suspended portions of the work.²⁷⁰

Some conversation took place as to the propriety of postponing the discussion, and of printing the correspondence read by Mr. Hincks²⁷¹.

[MR. HINCKS] ... expressed his willingness to have it printed if the House should so desire.²⁷²

MR. BROWN and MR. MACKENZIE insisted that it should be printed²⁷³.

Other members said no²⁷⁴.

The Committee decided that the correspondence should not be published.²⁷⁵

The committee then rose, reported progress, and got leave to sit again on Wednesday²⁷⁶.

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The House, according to Order, again resolved itself into a Committee on the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Wilson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Wednesday next, and be then the fifth Order of the day.

Ordered, That the Order of the day for the House again in Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands held en roture in Lower Canada, be postponed until To-morrow, and be then the first Order of the day.

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Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Morin,

The House adjourned.

FOOTNOTES: 13 NOVEMBER 1854.

1. LA MINERVE, 18 November 1854.
2. IBID.
3. IBID.
4. Telegraph (GLOBE, 14 November 1854).
5. LA MINERVE, 18 November 1854.
6. Telegraph (GLOBE, 14 November 1854).
7. IBID.
8. LA MINERVE, 18 November 1854.
9. GLOBE, 21 November 1854.
10. Telegraph (GLOBE, 14 November 1854).
11. GLOBE, 21 November 1854.
12. IBID.
13. IBID.
14. IBID.
15. NORTH AMERICAN WEEKLY, 6 December 1854.
16. GLOBE, 21 November 1854.
17. NORTH AMERICAN WEEKLY, 6 December 1854.
18. GLOBE, 21 November 1854.
19. IBID.
20. IBID.
21. LE PAYS, 21 November 1854.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. NORTH AMERICAN WEEKLY, 27 November 1854, reports that the House re-assembled at seven o'clock, and Mr. Cartier moved that the House go into committee on the amended Grand Trunk Bill. LE PAYS, 21 November 1854, attributes this motion to Mr. Hincks.
30. MORNING CHRONICLE, 16 November 1854.
31. TORONTO DAILY LEADER, 20 November 1854.
32. MORNING CHRONICLE, 16 November 1854.
33. NORTH AMERICAN WEEKLY, 27 November 1854.
34. MORNING CHRONICLE, 16 November 1854.
35. NORTH AMERICAN WEEKLY, 27 November 1854.
36. MORNING CHRONICLE, 16 November 1854.
37. NORTH AMERICAN WEEKLY, 27 November 1854.
38. MORNING CHRONICLE, 16 November 1854.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. NORTH AMERICAN WEEKLY, 27 November 1854.
44. MORNING CHRONICLE, 16 November 1854.
45. NORTH AMERICAN WEEKLY, 27 November 1854.
46. MORNING CHRONICLE, 16 November 1854.
47. NORTH AMERICAN WEEKLY, 27 November 1854.

48. MORNING CHRONICLE, 16 November 1854.
49. NORTH AMERICAN WEEKLY, 27 November 1854.
50. MORNING CHRONICLE, 16 November 1854.
51. TORONTO DAILY LEADER, 20 November 1854.
52. MORNING CHRONICLE, 16 November 1854.
53. NORTH AMERICAN WEEKLY, 27 November 1854.
54. TORONTO DAILY LEADER, 20 November 1854.
55. MORNING CHRONICLE, 16 November 1854.
56. TORONTO DAILY LEADER, 20 November 1854.
57. MORNING CHRONICLE, 16 November 1854.
58. IBID.
59. IBID.
60. NORTH AMERICAN WEEKLY, 27 November 1854.
61. MORNING CHRONICLE, 16 November 1854.
62. NORTH AMERICAN WEEKLY, 27 November 1854.
63. MORNING CHRONICLE, 16 November 1854.
64. NORTH AMERICAN WEEKLY, 27 November 1854.
65. MORNING CHRONICLE, 16 November 1854.
66. NORTH AMERICAN WEEKLY, 27 November 1854.
67. MORNING CHRONICLE, 16 November 1854.
68. NORTH AMERICAN WEEKLY, 27 November 1854.
69. MORNING CHRONICLE, 16 November 1854.
70. NORTH AMERICAN WEEKLY, 27 November 1854.
71. TORONTO DAILY LEADER, 20 November 1854.
72. NORTH AMERICAN WEEKLY, 27 November 1854.
73. MORNING CHRONICLE, 16 November 1854.
74. IBID.
75. NORTH AMERICAN WEEKLY, 27 November 1854.
76. MORNING CHRONICLE, 16 November 1854.
77. IBID.
78. TORONTO DAILY LEADER, 20 November 1854.
79. MORNING CHRONICLE, 16 November 1854.
80. TORONTO DAILY LEADER, 20 November 1854.
81. MORNING CHRONICLE, 16 November 1854.
82. NORTH AMERICAN WEEKLY, 27 November 1854.
83. MORNING CHRONICLE, 16 November 1854.
84. NORTH AMERICAN WEEKLY, 27 November 1854.
85. MORNING CHRONICLE, 16 November 1854.
86. NORTH AMERICAN WEEKLY, 27 November 1854.
87. TORONTO DAILY LEADER, 20 November 1854, reports the Grand Trunk Bill debate in a condensed form and with different wording from the other major accounts (MORNING CHRONICLE, 16 November 1854, and NORTH AMERICAN WEEKLY, 27 November 1854.) This portion of Mr. Mackenzie's speech and the exchange with Mr. Hincks is not reported elsewhere, but seems to occur before the reference to Glyn and Baring which is made in all reports.
88. IBID.
89. IBID.
90. MORNING CHRONICLE, 16 November 1854.
91. TORONTO DAILY LEADER, 20 November 1854.
92. MORNING CHRONICLE, 16 November 1854. TORONTO DAILY LEADER, 20 November 1854, reports that "of the debentures issued on account of this railway £45,000 was in the hands of Glyn and Baring."

93. NORTH AMERICAN WEEKLY, 27 November 1854.
94. IBID.
95. IBID.
96. IBID.
97. MORNING CHRONICLE, 16 November 1854.
98. IBID.
99. IBID.
100. LE PAYS, 21 November 1854, is the only account which reports
Mr. Freeman's motion. It is, therefore, not clear whether the motion to
amend occurs before or after the second clause was carried, or whether
it may even occur after the third clause was carried.
101. IBID.
102. TORONTO DAILY LEADER, 20 November 1854.
103. NORTH AMERICAN WEEKLY, 27 November 1854.
104. IBID.
105. MORNING CHRONICLE, 16 November 1854.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. TORONTO DAILY LEADER, 20 November 1854.
111. IBID.
112. IBID.
113. MORNING CHRONICLE, 16 November 1854.
114. IBID.
115. IBID.
116. TORONTO DAILY LEADER, 20 November 1854.
117. MORNING CHRONICLE, 16 November 1854.
118. IBID.
119. NORTH AMERICAN WEEKLY, 27 November 1854.
120. TORONTO DAILY LEADER, 20 November 1854.
121. NORTH AMERICAN WEEKLY, 27 November 1854.
122. IBID.
123. LE PAYS, 21 November 1854.
124. NORTH AMERICAN WEEKLY, 27 November 1854.
125. TORONTO DAILY LEADER, 20 November 1854.
126. NORTH AMERICAN WEEKLY, 27 November 1854.
127. IBID.
128. IBID.
129. IBID.
130. IBID.
131. NORTH AMERICAN WEEKLY, 27 November 1854.
132. IBID.
133. IBID.
134. IBID.
135. MORNING CHRONICLE, 16 November 1854.
136. NORTH AMERICAN WEEKLY, 27 November 1854.
137. IBID.
138. IBID.
139. IBID.
140. GLOBE, 21 November 1854.
141. NORTH AMERICAN WEEKLY, 27 November 1854.

142. IBID.
143. MORNING CHRONICLE, 16 November 1854.
144. IBID.
145. NORTH AMERICAN WEEKLY, 27 November 1854.
146. LE PAYS, 21 November 1854.
147. NORTH AMERICAN WEEKLY, 27 November 1854.
148. IBID.
149. IBID.
150. MORNING CHRONICLE, 16 November 1854.
151. NORTH AMERICAN WEEKLY, 27 November 1854.
152. TORONTO DAILY LEADER, 20 November 1854.
153. NORTH AMERICAN WEEKLY, 27 November 1854.
154. GLOBE, 21 November 1854.
155. MORNING CHRONICLE, 16 November 1854.
156. IBID.
157. IBID.
158. NORTH AMERICAN WEEKLY, 27 November 1854.
159. MORNING CHRONICLE, 16 November 1854, notes that as far as the reporter understood Mr. Dewitt, his words were: "He did not want to make in this country an oligarchy...."
160. NORTH AMERICAN WEEKLY, 27 November 1854.
161. TORONTO DAILY LEADER, 20 November 1854.
162. NORTH AMERICAN WEEKLY, 27 November 1854.
163. TORONTO DAILY LEADER, 20 November 1854.
164. NORTH AMERICAN WEEKLY, 27 November 1854.
165. GLOBE, 21 November 1854.
166. IBID.
167. NORTH AMERICAN WEEKLY, 27 November 1854.
168. IBID.
169. MORNING CHRONICLE, 16 November 1854.
170. IBID.
171. NORTH AMERICAN WEEKLY, 27 November 1854.
172. MORNING CHRONICLE, 16 November 1854.
173. TORONTO DAILY LEADER, 20 November 1854.
174. MORNING CHRONICLE, 16 November 1854.
175. GLOBE, 21 November 1854.
176. TORONTO DAILY LEADER, 20 November 1854.
177. MORNING CHRONICLE, 16 November 1854.
178. NORTH AMERICAN WEEKLY, 27 November 1854.
179. IBID.
180. IBID.
181. IBID.
182. IBID.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. GLOBE, 21 November 1854.
192. IBID.

193. IBID.
194. IBID.
195. IBID.
196. IBID.
197. HAMILTON GAZETTE, 23 November 1854.
198. GLOBE, 21 November 1854.
199. HAMILTON GAZETTE, 23 November 1854.
200. IBID.
201. NORTH AMERICAN WEEKLY, 27 November 1854.
202. HAMILTON GAZETTE, 23 November 1854.
203. NORTH AMERICAN WEEKLY, 27 November 1854.
204. IBID.
205. HAMILTON GAZETTE, 23 November 1854.
206. IBID.
207. IBID.
208. NORTH AMERICAN WEEKLY, 27 November 1854.
209. IBID.
210. IBID.
211. TORONTO DAILY LEADER, 20 November 1854.
212. NORTH AMERICAN WEEKLY, 27 November 1854.
213. IBID.
214. LE PAYS, 21 November 1854.
215. NORTH AMERICAN WEEKLY, 27 November 1854.
216. MORNING CHRONICLE, 16 November 1854.
217. HAMILTON GAZETTE, 23 November 1854.
218. NORTH AMERICAN WEEKLY, 27 November 1854.
219. TORONTO DAILY LEADER, 20 November 1854.
220. LE PAYS, 21 November 1854.
221. MORNING CHRONICLE, 16 November 1854.
222. NORTH AMERICAN WEEKLY, 27 November 1854.
223. MORNING CHRONICLE, 16 November 1854.
224. NORTH AMERICAN WEEKLY, 27 November 1854.
225. TORONTO DAILY LEADER, 20 November 1854.
226. MORNING CHRONICLE, 16 November 1854.
227. IBID.
228. IBID.
229. HAMILTON GAZETTE, 23 November 1854.
230. NORTH AMERICAN WEEKLY, 27 November 1854.
231. MORNING CHRONICLE, 16 November 1854.
232. TORONTO DAILY LEADER, 20 November 1854.
233. NORTH AMERICAN WEEKLY, 27 November 1854.
234. IBID.
235. MORNING CHRONICLE, 16 November 1854.
236. IBID.
237. GLOBE, 21 November 1854.
238. LE PAYS, 21 November 1854.
239. NORTH AMERICAN WEEKLY, 27 November 1854.
240. IBID.
241. IBID.
242. IBID.
243. IBID.
244. IBID.
245. IBID.

- 246. IBID.
- 247. IBID.
- 248. IBID.
- 249. NORTH AMERICAN WEEKLY, 27 November 1854.
- 250. IBID.
- 251. IBID.
- 252. MORNING CHRONICLE, 16 November 1854.
- 253. NORTH AMERICAN WEEKLY, 27 November 1854.
- 254. MORNING CHRONICLE, 16 November 1854.
- 255. NORTH AMERICAN WEEKLY, 27 November 1854.
- 256. MORNING CHRONICLE, 16 November 1854.
- 257. NORTH AMERICAN WEEKLY, 27 November 1854.
- 258. IBID.
- 259. IBID.
- 260. IBID.
- 261. MORNING CHRONICLE, 16 November 1854.
- 262. NORTH AMERICAN WEEKLY, 27 November 1854.
- 263. GLOBE, 21 November 1854.
- 264. NORTH AMERICAN WEEKLY, 27 November 1854.
- 265. IBID.
- 266. IBID.
- 267. MORNING CHRONICLE, 16 November 1854.
- 268. GLOBE, 21 November 1854.
- 269. NORTH AMERICAN WEEKLY, 27 November 1854.
- 270. GLOBE, 21 November 1854. The figures reported for the A series of shares and bonds, for the provincial bonds of the B series, and for the company's bonds of the B series, add up to a total of £5,535,000. Since only the GLOBE, 21 November 1854, reports Mr. Galt here, it is not clear which of the quoted figures is in error.
- 271. NORTH AMERICAN WEEKLY, 27 November 1854.
- 272. IBID.
- 273. IBID.
- 274. IBID.
- 275. MORNING CHRONICLE, 16 November 1854.
- 276. NORTH AMERICAN WEEKLY, 27 November 1854.

TUESDAY, 14 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Darche,--The Petition of J.O. Leduc and others, of the County of Chambly.

By Mr. Jean Baptiste Daoust,--The Petition of the Reverend William Mair and others, Municipal Electors of the recent County of Two Mountains.

By Mr. Cauchon,--The Petition of Sydney Bellingham, of the City of Montreal, Esquire.

By Mr. Stevenson,--The Petition of the Reverend M. Lalor and others, Catholics, of the Diocese of Kingston.

By Mr. Frazer,--The Petition of the Municipal Council of the United Counties of Lincoln and Welland.

By Mr. Bellingham,--The Petition of the Montreal and New York Railroad Compaay (sic).

By Mr. Antoine Aimé Dorion,--The Petition of the Honorable L.M. Viger and others, Proprietors of Seigniories in Lower Canada; and the Petition of John Boston, Esquire, Sheriff of the District of Montreal.

Ordered, That the Return relative to a Tract of Land in dispute between the Inhabitants of Russelltown and the Seignior of Beauharnois, and the Plans accompanying the same, which was presented on the seventh instant, be printed for the use of the Members of this House.

Ordered, That the 71st Rule of this House be suspended as regards the Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal; the Bill to increase the Capital Stock of the Commercial Bank of the Midland District; the Bill to increase the Capital Stock of the Bank of Upper Canada; the Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank; the Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes; and the Bill to incorporate the Montreal Ocean Steam Ship Company.

Resolved, That after the present week, and during the remainder of the Session, all unopposed Private and Local Bills which may be at present or hereafter on the List of the Orders of the day, be taken into consideration on Thursdays, previous to the other Orders of the day.

On motion of CAPT. RHODES,¹

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Ordered, That the Petition of A. Gagy, Esquire, and other Members of the Bar of Lower Canada, Section of the District of Quebec, be printed for the use of the Members of this House.

Ordered, That the Orders of the day be now read.

And the Order of the day for the House again in Committee on the Bill to

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define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands held en roture in Lower Canada, being read;

The House accordingly resolved itself into the said Committee;²

La 32me clause était originairement comme suit:--"Il sera loisible à tout propriétaire d'un fonds tenu en roture, aussitôt que le cadastre de la

seigneurie dans laquelle tel fonds est situé aura été complété et déposé comme ci-haut pourvu, de racheter tous les droits seigneuriaux dont tel fonds est grevé, au prix spécifié dans tel cadastre sans intérêt, et tout tel rachat se fera d'après l'une ou l'autre des manières ci-après établies, mais non autrement."³

MR. AT. GEN. DRUMMOND propose d'ajouter après le mot "intérêt," les mots suivants: si tel rachat se fait dans deux années à compter du jour du dépôt du cadastre et en y ajoutant l'intérêt calculé à six pour cent par an sur le prix auquel les droits casuels pourront être rachetés, et tel rachat ne se fait qu'après l'expiration de deux années à compter du dit jour.⁴

MR. LEMIEUX s'oppose à ce changement. Il prétend qu'aucun intérêt ne doit courir sur le capital des lods et ventes, car ces paiements ne tombent qu'à de long[s] interval[1]es, et il serait très injuste de faire payer l'intérêt sur le capital des droits casuels, par des personnes qui peut-être ne seront jamais obligés de les payer. Si on dit que ces lods et ventes sont en effet un revenu annuel dont on ne doit pas priver le seigneur, il répond que le seigneur va être compensé pour toutes ses pertes.⁵

MR. AT. GEN. DRUMMOND dit que le censitaire ne sera pas tenu de payer l'intérêt jusqu'à ce qu'il commue.⁶

MR. LEMIEUX dit que cela serait bien pis. Les intérêts après un certain temps monteraient à une somme plus considérable que le capital même des lods et ventes. Alors ils deviendraient une hypothèque sur la terre qui en empêcherait la vente.⁷

MR. COM. PUB. WORKS CHABOT pense qu'il peut y avoir des injustices et des inconvénients de tous les côtés; mais il est très clair que si le seigneur ne reçoit pas le capital de son revenu des lods et ventes, l'intérêt sur ce capital lui sera dû. D'ailleurs il y a une augmentation constante dans la valeur des terres, et comme on va estimer la valeur de ces droits tout de suite, le censitaire aura tout l'avantage de la hausse. Ce n'est donc pas beaucoup que de lui faire payer l'intérêt. Il serait par trop injuste d'estimer la commutation des lods et ventes sur le prix des terres d'aujourd'hui, de laisser le censitaire payer la commutation à son gré, et alors de le laisser payer non pas sur le prix d'alors, mais sur celui de huit ou dix ans auparavant.⁸

MR. CAUCHON.--Pour faire voir l'opération de la disposition que M. Drummond propose d'ajouter, suppose le cas d'un seigneur dont les lods et ventes valent £300 par an, ceci représente un capital de £5000, qui d'après le bill doit être réparti sur toutes les terres de sa censive. Mais il y a dans toutes les seigneuries certaines terres qui ne se vendent presque jamais; pourtant le remboursement au seigneur de la valeur de ces lods et ventes sera réparti sur ces terres-là comme sur toutes les autres. Ainsi quelques censitaires auront à payer pour l'avantage des autres. Il est évident, à moins qu'on ne déclare que les lods et ventes ne sont pas dûs, que le seigneur doit avoir ses £300, qu'ils soient répartis d'une manière ou d'une autre. Qu'on regarde l'avantage qu'on va conférer au censitaire, au détriment du seigneur. Si tous les censitaires s'avisent de ne commuer qu'au dernier jour des deux ans, le seigneur sera précisément spolié de ces £300 par eux pendant ce temps. Il espère que la législature ne mettra pas la main d'une telle manière sur le droit de propriété. Quant à la compensation que le seigneur doit avoir, qu'a cela de commun avec la question de droit? Si le seigneur est rémunéré d'un côté, on lui dispute un autre droit qui lui appartient; mais cela ne justifie pas la Chambre pour lui ôter une autre propriété. Si on va de cette manière, un seigneur peut être privé de sa propriété aujourd'hui parce que la majorité se compose des

censitaires; et demain tous les créanciers peuvent être privés de leurs créances parce qu'il y a plus de débiteurs que de créanciers parmi les électeurs.⁹

MR. COM. CR. LANDS MORIN dit que quoiqu'on dise qu'il y a des propriétés qui ne se vendent point, on ne doit pas prendre cette assertion dans un sens précis. Elles se vendent quelquefois; on ne peut pas les décharger des lods et ventes dont elles sont grevées au profit d'un tiers. Il croit qu'il y aura bientôt beaucoup de commutation dans les seigneuries, et quand cela aura lieu toutes ces difficultés disparaîtront.¹⁰

MR. THIBAUDEAU s'oppose à l'amendement proposé par M. Drummond et lit le projet publié il y a quelques années par M. Chabot, où il dit qu'il ne se trouve aucune mention de l'intérêt sur la compensation que le seigneur doit recevoir des lods et ventes.¹¹

MR. COM. PUB. WORKS CHABOT répond que quand son plan fut soumis à un certain personnage haut placé, ce personnage lui fit l'honneur de lui dire qu'il était le moins voleur de la bande, et en effet il croit ce plan bien plus favorable aux seigneurs que ne l'est celui du procureur général. Toutefois il croit que son plan a formé la base du bill devant la chambre, car presque toutes les provisions qui s'y trouvaient ont été transportées dans le bill du procureur général, qui alors n'avait pas fait les études qu'il a faites depuis. Maintenant il est vrai qu'il ne parlait pas d'intérêt dans son plan, mais il ne proposait pas que l'évaluation fût faite sur toutes les terres de la seigneurie, mais terre par terre, ce qui aurait donné au seigneur une estimation bien autrement considérable que par le bill actuel. D'ailleurs d'après son plan, la commutation aurait été faite de suite, et alors il n'aurait pas été question d'intérêt.¹²

DR. POULIN consentirait peut-être contre l'intérêt de ses constituants à les faire payer l'intérêt sur les lods et ventes après deux ans; mais il ne consentira jamais à ce que l'intérêt s'accumule pendant une longue suite d'années pour devenir une lourde hypothèque sur la terre et aussi pour en empêcher la vente.¹³

MR. DORION dit que la plus grande partie du plan de M. le commissaire des travaux publics se trouve dans le bill du procureur général; mais il y a une provision qui n'y est pas, et que le commissaire des travaux publics, sans doute, proposera de suite: c'est de faire rembourser par les seigneurs les droits abusifs qu'ils avaient imposés aux censitaires. Quant à [la] clause telle qu'amendée, elle aura cet effet, que les censitaires riches payeront la commutation de suite et ainsi échapperont à tout paiement d'intérêt pendant que les pauvres seront contraints de continuer le paiement des intérêts.¹⁴

MR. AT. GEN. DRUMMOND répond que les censitaires peuvent se soustraire à cet inconvénient en commuant de suite et en changeant tous les droits du seigneur pour une rente constituée.¹⁵

MR. DORION dans tous les cas ne peut voir pourquoi ceux qui commuent dans les deux ans seront exempts du paiement des intérêts. Outre cela, après avoir combattu si longtemps contre la commutation immédiate, il est fort étrange que cette nouvelle proposition vienne du procureur général; puisqu'il est certain qu'on est très proche de la commutation forcée lorsqu'on introduit le principe du paiement d'intérêts, sur le capital des lods et ventes. La seule différence qui existe entre les deux est que la commutation forcée sera pour l'avantage du seigneur et du censitaire, pendant que la proposition actuelle n'est avantageuse qu'au seigneur.¹⁶

MR. LABELLE s'est décidé à voter pour le bill, mais il croit que si cet amendement est conservé il lui faudra voter contre. Il ne peut voir pourquoi les censitaires doivent être chargés de l'intérêt du capital de lods et ventes, quand plusieurs d'eux n'ont jamais pensé à payer un lod. Pour lui-même il serait en faveur d'une commutation forcée, mais étant envoyé à la Chambre par des censitaires, il ne donnerait pas sa voix en opposition à leur intérêt.¹⁷

MR. LEMIEUX pense que si cet amendement devait être fait il aurait dû être dans le bill tel que distribué au commencement de la session.¹⁸

MR. AT. GEN. DRUMMOND dit que le gouvernement n'est pas là pour consulter les volontés des censitaires ni des seigneurs, mais pour veiller à ce que justice soit faite à tout le monde. Enfin il consent à ajouter à la clause un alinéa tendant à déclarer que les intérêts à être payés par les censitaires cesseront de courir à l'expiration de dix ans.¹⁹

Alors le comité se lève, fait rapport, et obtient permission de siéger de nouveau le même jour.²⁰

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

The Honorable Mr. Merritt reported from the General Committee of Elections, That in consequence of the Panel in service for the present Calendar week being nearly exhausted by the number of Committees already struck from the same, the Committee had extended the time for the choosing of the Select Committees for the trial of the Montmagny and Laval Election Petitions, from Thursday next, until Monday the twentieth day of November instant.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General,--Report of the Post Master General of Canada, for the year ended 31st March, 1854.

For the said Report, see Appendix (F.)

The Honorable Mr. Chauveau also presented, by command of the Governor General, pursuant to Addresses to His Excellency, Return to an Address of the Legislative Assembly, dated the 16th ultimo, for copies of certain Correspondence relative to the Academy of Beauharnois.

For the said Return, see Appendix (B.)

Return to an Address of the Legislative Assembly, dated the 13th ultimo, for a Statement of Expenses incurred during the last Elections in Upper and Lower Canada.

By Command,

*Pierre J.O. Chauveau,
Secretary.*

Secretary's Office,

Quebec, 13th November, 1854.

Return shewing the amount of Expenses incurred during the last Elections in Upper and Lower Canada.

Upper Canada.

Amount of fees and disbursements paid to the Returning Officers during the late Elections, up to this date, including the sum of Forty-six pounds three

shillings, for the Expenses of the second Elections.....£3,640 10 9

The Account received from the Returning Officer for the South Riding of the County of Wentworth, amounting to Seventy pounds and three pence, is under examination.

No Accounts have yet been received from the Returning Officers for the County of Essex, or the United Counties of Huron and Bruce.

Lower Canada.

Amount of fees and disbursements paid to the various Returning Officers during the late Elections, up to this date, including the sum of Ninety-seven pounds sixteen shillings three pence, for second Elections.....£5,766 11 9

No Account has yet been received from the Returning Officer for the County of Shefford.

Inspector General's Office.

Quebec, 10th November, 1854.

Joseph Cary,

Deputy Inspector General.

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The Order of the day for the second reading of the Bill to incorporate the Montreal Ocean Steamship Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, again resolved itself into a Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of lands held en roture in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Polette reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Morin, That this House will immediately resolve itself into a Committee to take into consideration certain Resolutions concerning the Indemnity to be granted to Seigniors in Lower Canada;

The Honorable Mr. Cayley, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

MR. AT. GEN. DRUMMOND explique que par suite de la détermination de la Chambre d'abolir quelques droits qui sont reconnus pour être légaux, ainsi que le droit de banalité, il est nécessaire de changer les résolutions dont il avait donné avis. Il propose de modifier la cinquième résolution afin d'affecter le fonds des licences d'auberges au paiement de l'indemnité des seigneurs. C'est son intention plus tard de donner aux Townships la part des licences d'auberges qui provient des localités. De plus il prétend ajouter le prix de ventes des terres seigneuriales non concédées au fonds qui sera applicable au rachat des droits seigneuriaux; moins cette partie de ces terres qui doit être appliquée au rachat de droits que les seigneurs y ont, ces terres montent à 750,000 ou 1,000,000 arpents, et vaudront peut-être £500,000, dont il croit que pas plus de £5000 ne seront requis pour le rachat de l'intérêt que les seigneurs peuvent y avoir. Enfin il se propose de limiter le montant de l'argent qui peut être pris à même le fonds consolidé

à une somme de \$150,000. Voici les résolutions telles qu'amendées:

1. Qu'il est expédient de faire des dispositions législatives pour définir et limiter les droits des seigneurs dans le Bas-Canada conformément à l'ancienne loi du pays, en faciliter le rachat, et abolir tous lods et ventes ou droits sur les mutations de terres tenues en roture.

2. Que pour mettre ces dispositions à effet, il sera expédient de nommer des commissaires pour établir et fixer les sommes qui seront payées par le censitaire au seigneur comme juste prix de tel rachat, et qu'il sera subvenu par la province aux dépenses encourues pour cet objet.

3. Qu'il est expédient que la réclamation de certains seigneurs à des droits non reconnus par les anciennes lois du Bas-Canada, mais au sujet desquels il a existé des opinions contradictoires, principalement en conséquence de ce que certains pouvoirs conférés aux intendants sous le gouvernement français n'ont pas été transférés aux tribunaux établis plus tard, soit soumise à la décision judiciaire de la plus haute cour de juridiction civile du Bas-Canada, et qu'il ne soit payé aucune indemnité aux seigneurs pour l'abolition de tout droit à l'égard duquel telle décision sera contre eux, mais que si cette décision est en faveur des seigneurs à l'égard de leur réclamation de tout droit de cette nature, ils soient alors indemnisés par la province de la perte réelle éprouvée par eux par suite de l'abolition de tel droit aussi bien que de tels autres droits concernant la légalité desquels il n'existe aucun doute, mais qu'il peut être considéré expédient pour l'avantage du public de leur enlever à l'avenir.

4. Qu'il est expédient que les sommes requises pour payer les dites dépenses et indemnité, (s'il y en a) soient portées contre le fonds du revenu consolidé avec pouvoir au gouverneur général en conseil de prélever les dites sommes, en tout ou en parties, par débentures, s'il trouve expédient de le faire, mais qu'il sera tenu des comptes séparés des deniers versés dans le dit fonds du revenu consolidé provenant des diverses sources Bas-Canadiennes de revenu ci-après mentionnées; et que si les sommes payables à même les fonds consolidés pour les fins sus-dites, excèdent le montant provenant des diverses sources de revenu mentionnées dans la résolution qui suit, il sera expédient, dans l'opinion de cette Chambre, d'approprier une somme égale au dit excédant pour quelque fin ou fins locales dans le Haut-Canada.

5. Ci-suivent les sources Bas-Canadiennes de revenu mentionnées dans la résolution précédente; c'est à savoir:

Le droit de quint et autres redevances, qui sont actuellement, ou qui deviendront ci-après payables à la couronne dans ou sur les seigneuries dans le Bas-Canada dont la couronne est le seigneur dominant, aussi bien que de tous arrérages de telles redevances.

Les revenus de la seigneurie de Lauzon, et les produits de la vente de toute partie de la dite seigneurie qui pourra être ci-après vendue, et tous arrérages de tels revenus.

Tous les deniers provenant dans le Bas-Canada des licences pour détailler des liqueurs spiritueuses, vins ou liqueurs fermentées, dans des lieux autres que ceux d'entretien public, communément appelées licences de magasin ou de boutique.

Tous les deniers provenant dans le Bas-Canada des droits d'encan et des licences d'encanteurs.

Et toutes sommes d'argent qui pourront provenir des licences d'auberges dans le Bas-Canada après liquidation des charges portées maintenant sur ce fonds, excepté toutefois la partie de ce fonds qui sera prélevée dans les townships.

Et toutes telles sommes d'argent qui proviendront de la vente des terres seigneuriales non concédées, réunies au domaine de la couronne et non

reconcédées au seigneur, comme compensation pour leurs droits en icelles.

Qu'il ne devrait pas être approprié plus de cent cinquante mille louis courant, pour les objets sus-mentionnés, en sus du montant provenant des diverses sources de revenus mentionnées dans la résolution qui précède.²¹

MR. PAPIN fait motion en amendement à la première résolution:

Que tous les mots après "Qu'il est expédient" dans les dites résolutions soient effacés et que les mots suivants soient substitués, "d'abolir immédiatement la tenure seigneuriale dans le Bas-Canada en accordant une juste indemnité, qui sera avancée en entier par le gouvernement à même les fonds consolidés, ou au moyen de débentures, les censitaires devant rembourser partie de cette avance au gouvernement par paiements annuels avec un délai suffisant pour que le remboursement ne soit pas onéreux."²²

L'amendement est perdu.²³

MR. BROWN desired an explanation of an addition made by the Attorney General to one of his resolutions; to the effect that the maximum amount to be paid out of the public chest as indemnity to the Seigniors should not exceed \$150,000, over and above the special funds set apart for the purpose. He wished to know how, according to the scheme in the Bill, he could fix on that or any other limit. The whole matter as to the value of the rights of the Seigniors, he understood, was to be referred to the Supreme Court for decision. Now, supposing the judgment of the Court should be for double or three times the amount of that \$150,000, who was to pay the excess, or would the Seigniors be left without payment?²⁴

MR. AT. GEN. DRUMMOND said he was certain that, whatever might be the decision of the Court, the indemnity would not come up to the limits he had assigned to it. The whole Seign[i]ories of Lower Canada could not be worth more than from $1\frac{1}{2}$ to 2 millions of money. Now it should be remembered that the Seigniors retained all the mills and water powers they had improved, they retained the old rents, they retained the lods et ventes or their equivalents in the commutation fines, and other valuable privileges²⁵. Ils ne peuvent rien réclamer que la compensation pour la différence entre les rentes actuelles et les rentes établies par le bill.²⁶ It should be remembered also that the excessive rents, for which the indemnity would be chiefly required, existed for the most part in the district of Montreal, and that even there, there were not above 10 or 12 Seign[i]ories where very high rents had been paid, of the whole 250 Seign[i]ories of Lower Canada. Last year, when the rents were fixed at two pence, his impression was that the indemnity would not amount to \$150,000, and now that it was fixed at a penny, he did not think the indemnity could be doubled by that change, or that it would reach \$300,000 altogether. Seeing then that the Seigniors remained in possession of their most valuable property, it was impossible that the indemnity could exceed one-fifth, or one-fourth on the $1\frac{1}{2}$ or two millions, which was the total value of the Seigniories.²⁷ D'un autre côté il n'y a presque aucune seigneurie dans les districts de Québec et Kamouraska où les rentes sont au-dessus de celles que le bill permet. On a reproché au gouvernement de ne pas avoir fourni de statistique montrant la somme de l'indemnité que les seigneurs devront recevoir; mais préparer une telle statistique ne serait rien moins que faire l'ouvrage que les commissaires auront à faire après que le bill aura été passé. On a demandé au gouvernement qu'il fasse faire un aveu et dénombrement par les seigneurs; mais quoiqu'il soit vrai que les seigneurs sont tenus de le faire par la loi, la difficulté d'une action en aveu et dénombrement est si considérable qu'aucun gouvernement n'a jamais voulu l'entreprendre.²⁸

MR. JOBIN propose en amendement:

Effacez tous les mots après le mot "expédient" sur la première ligne de la première résolution et ajoutez les mots suivant: "qu'il est expédient pour faire droit à l'opinion publique et à l'esprit de justice qui a guidé la majorité de la dernière convention anti-seigneuriale de Montréal et celles des districts de Québec et des Trois-Rivières dans le Bas-Canada, que la tenure seigneuriale, dans tout le Bas-Canada, soit immédiatement abolie."

2. Qu'il est expédient, dans la vue d'établir la valeur réelle des seigneuries, que tous les seigneurs soient forcés de faire l'aveu et dénombrement de leurs seigneuries respectives, avec tous renseignements nécessaires à cette fin.

3. Qu'il est expédient de décréter que les seuls droits pour lesquels une indemnité est due aux seigneurs, sont les cens et rentes réduits à deux sous, et les lods et ventes sur les revenus de l'année commune de dix ans.

4. Qu'il est expédient, dans le but de faciliter le rachat des droits seigneuriaux et d'aider les censitaires, qu'un fonds de sept cent cinquante mille louis courant soit prélevé sur les fonds consolidés de la province du Canada, par l'émission de débentures de tel montant et à telle époque nécessaire, le surplus du rachat étant payable par les censitaires au prorata du montant des cens et rentes d'abord, ensuite sur la valeur de leurs biens respectivement d'après le rôle de cotisation pour écoles, entre les mains de conseils municipaux.

5. Que les censitaires du Bas-Canada auxquels l'établissement du pays est dû; qui ont supporté toutes les charges de l'état; qui ont toujours soutenu leur clergé; qui surchargés et opprimés par les seigneurs n'ont reçu ni du gouvernement ni des tribunaux la protection qui leur était due à l'encontre des charges odieuses des seigneurs; qui depuis 1824 ont contribué pour plus d'un million aux charges du pays, tant pour les frais de la guerre avec les Etat[s]-Unis que pour faire l'établissement du Haut-Canada et des townships dans les deux sections du Canada et faire les chemins dans les townships (ayant fait à leurs propres frais les chemins des seigneuries) ont réellement droit à la dite somme de sept cent cinquante mille louis pour les aider à racheter (sic) les droits seigneuriaux.

6. Qu'il est expédient pour obtenir plus promptement l'abolition proposée que l'union du Haut et du Bas-Canada soit rappelée de suite à moins que l'assemblée législative telle que constituée n'accorde aux censitaires du Bas-Canada la justice qu'ils réclament depuis plus de trente ans.

Que les seigneurs, prétendant être lésés par les présentes, puissent réclamer auprès du gouvernement, auxquels on fera tenir compte de toutes les sommes perçues et de tous les profits qui leur sont résultés contrairement aux arrêts et décrets rendus concernant les seigneuries afin d'en faire compensation, et s'il se trouve un excédant ou déficit, tel excédant à être payé par le gouvernement; lequel paiera tel déficit s'il y a lieu et non autrement.²⁹

L'amendement est mis aux voix et perdu.³⁰

MR. A. DORION, in moving an amendment, that the indemnity should be paid out of the consolidated Revenue, instead of appropriating the special funds enumerated in the resolutions, dwelt particularly on the serious obstruction to the trade of Montreal and injury to its merchants, caused by the continuance of the duties on auction licenses, one of the special funds so appropriated.³¹ Ce sont des taxes bien nuisibles au commerce, et d'une opération partielle. Cette taxe ne doit pas être conservée parce qu'elle tombe seulement sur la partie des marchandises qui se vendent à l'encan, et aucunement sur celles qui se vendent aux magasins. D'ailleurs la taxe ne produit pas plus de £6000, et on calcule

que \$4000 tombent sur la ville de Montréal. Affecter ce revenu pour les fins mentionnées dans le bill, c'est empêcher le gouvernement d'abolir la taxe.³²

MR. INSP. GEN. CAYLEY argued in reply, that the duties on Auction Licenses should not be regarded as a peculiarly Lower Canadian fund, but as being a tax on the trade of Canada generally.³³ La taxe quoiqu'elle soit prélevée sur le commerce de Montréal tombe en effet sur les marchandises qui sont vendues pour la consommation du Haut-Canada. C'est le peuple du Haut-Canada qui effectivement paie ces taxes.³⁴

MR. A. DORION.--Mais il est clair que cela donne lieu à un désavantage pour Montréal et à un avantage proportionnel pour New York et d'autres ports, où il n'y a pas de taxe sur les encans. Cet avantage équivaut à un pour cent. C'est une injustice que ce fardeau soit imposé sur la ville de Montréal dont le peuple ne retirera aucun bienfait du changement de la tenure.³⁵

MR. LANGTON dit que si le membre pour Montréal n'a pas réussi à établir sa proposition relativement à Montréal, l'Inspecteur-général l'a fait certainement par rapport au Haut-Canada.³⁶ He could not see that this or the other funds named were peculiar to Lower Canada³⁷. Outre cela cette taxe est des plus nuisibles et elle aurait été abolie par la force de la voix publique il y a longtemps si elle n'avait pas été évitée par la fraude, en payant la taxe non pas sur les marchandises vendues, mais seulement sur quelques échantillons de ces marchandises. Il y a d'autres fonds qui appartiennent vraiment au Haut-Canada, par exemple les Réserves du Clergé qui vont être données au peuple du Bas-Canada.³⁸ [This] was one peculiarly Lower Canadian fund--he alluded to the large amounts which would come to the Municipalities under the operation of the Clergy Reserve Bill, which might be appropriated with advantage to paying the indemnity to the Seigniors. (Hear, hear.)³⁹

MR. A. DORION croit qu'il n'y a pas de taxe d'encan dans le Haut-Canada.⁴⁰

MR. BROWN pense que cette discussion jette de la lumière sur tous les arrangements du bill.⁴¹ [He] considered that the Inspector General had made an unfortunate admission for the Government, who would have it believed that the funds appropriated in the Bill for paying the indemnity were peculiarly Lower Canadian. (Hear, hear.) The hon. member for Montreal protested against the Auction duties being taken, because it injured the trade of Montreal and drove the auction to other places where there were no such duties. That was all a mistake, said the Inspector General--the Montreal merchants had no right to complain, but it was really borne by the Upper Canadians⁴². Ce n'est pas le peuple de Montréal qui paie la taxe mais le peuple du Haut-Canada qui achète les marchandises sur lesquelles cette taxe est imposée.⁴³ But the Attorney General inserted it in his Bill as a Lower Canadian fund, in spite of the argument of his colleague the Inspector General, which applied with equal force to all the other so-called special funds.⁴⁴ Il y a par exemple la seigneurie de Lauzon; c'est un des biens que le Bas-Canada a apportés à la communauté des deux provinces.⁴⁵ He considered the suggestion of the hon. member for Peterboro' a very good one that the Clergy Reserves accruing to Lower Canada should be appropriated to paying the indemnity. The Jesuits' Estates also constituted a Lower Canadian fund which might be appropriated in the same way.⁴⁶

MR. AT. GEN. DRUMMOND argued that the funds appropriated in his Bill were peculiarly Lower Canadian funds, and stated that at the end of last session an Act was passed appropriating similar funds in Upper Canada to Municipal purposes, in anticipation of the appropriation of these funds in Lower Canada to

the Seigniorial indemnity.⁴⁷ [Il] ne croit pas que le tems soit convenable pour ceux qui veulent régler cette question, de discuter la taxe sur les encans. Plus tard on peut bien faire disparaître cette taxe et en substituer une autre, en abolissant la taxe d'encans.⁴⁸

MR. HOLTON demande au membre pour Shefford de dire comme avocat s'il croit qu'il serait possible d'abolir la taxe d'encans après qu'on l'aura affectée au paiement de l'indemnité des seigneurs?⁴⁹

MR. AT. GEN. DRUMMOND.--Sans doute; en affectant un autre fonds aussi considérable.⁵⁰

MR. HOLTON.--Eh bien! Cette taxe fait beaucoup de dommage au commerce, et donne lieu à des fraudes qui sont productives de beaucoup d'immoralité. Mais cela n'est pas tout, elle a l'effet de créer une prime en faveur du commerce de New-York, et contre celui de Montréal--c'est-à-dire contre le commerce du St. Laurent.⁵¹

The amendment was lost on a division as well as several others⁵².

The resolutions of the Attorney General having been adopted, the Committee rose⁵³.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received To-morrow.

The House, according to Order, again resolved itself into a Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands held en roture in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Polette reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow.⁵⁴

The Honorable Mr. Cayley, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General, List of the Clergy and Widows in the Diocese of Toronto drawing their stipends from the proceeds of the Clergy Reserve Fund appropriated to the Church of England in Upper Canada, October 1854.

For the said List, see Appendix (L.L.)

On motion of MR. LANGTON,⁵⁵

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Ordered, That ... the said Paper be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to amend and consolidate the Acts relating to the appointment of Reporters to the several Courts of Law and Equity in Upper Canada, and to repeal certain Acts therein mentioned, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Attorney General Macdonald, Mr. Solicitor General Smith, the Honorable John Sandfield Macdonald, Mr. Wilson, and Mr. Freeman, to report thereon with all convenient speed; with power to send for persons, papers and records.

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The Order of the day for the second reading of the Bill to incorporate the Toronto Exchange, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the County of Middlesex to negotiate a Loan of One hundred thousand pounds to consolidate the County Debt, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Toronto Coal Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Toronto Athenaeum, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Huntingdon Academy, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the Town of London to raise Sixty thousand pounds to consolidate the Debt of the Town, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to empower the Municipal Council of the Township of Otonabee to exchange certain Concession Lines in the said Township, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate certain persons under the style and title of the Otter Creek Navigation Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to extend to Lower Canada the provisions of the Act to establish a Standard Weight for the different kinds of Grain, Pulse, and Seeds in Upper Canada, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

The Order of the day for the second reading of the Bill to amend the Act to revive the Act authorizing the Inhabitants of the Seigniorship of Yamaska to regulate the Common of the said Seigniorship, being read;

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The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Trustees and Members of Zion Church in Montreal, to alienate and hypothecate certain property of the said Church, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the L'Assomption River and Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the Canada Copper Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Members of the British American Friendly Society of Canada, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Mutual Assurance Companies of the Parishes of Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill for the removal of doubts and to explain the Provincial Statute 12 Vic. c. 42, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Terrill, the Honorable Mr. Attorney General Drummond, Mr. Alleyne, Mr. Polette, and Mr. Felton, to report thereon with all convenient speed; with power to send for persons, papers and records.

The Order of the day for the second reading of the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Fort Erie Canal Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the Provident Life Assurance and Investment Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Canada Ocean Steam Navigation Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gamble reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Gamble reported the Bill accordingly; and the amendments were read, and agreed to.

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Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Town of Whitby, and to define the limits thereof; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gould reported,

That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Gould reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of Montreal and St. Hyacinthe, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to declare valid a certain Survey of part of the Town of Cornwall, being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

Then, on motion of Mr. Turcotte, seconded by Mr. Mackenzie,

The House adjourned.⁵⁶

[POSTPONED MOTION: CLERGY RESERVES.]

MR. AT. GEN. J.A. MACDONALD moved that the order of the day be taken up for receiving the report of the Committee of the whole on the Clergy Reserve Bill.⁵⁷

MR. BROWN said there had been a distinct understanding that the Clergy Reserves would not be taken up to-night, and hon. members were not in consequence, fully prepared with their amendments. He was willing, however, to to on, if such were the feeling of the House.⁵⁸

After some further conversation, it was agreed to postpone receiving the report till to-morrow.⁵⁹

MR. AT. GEN. J.A. MACDONALD intimated his intention of inserting the words "with the said parties" into the third, or commutation clause, with the view of making the intentions of the Government more clear.⁶⁰

MR. BROWN.--Perhaps the hon. Attorney General would not object to state the precise object of inserting those words, so that hon. members may know how to frame their amendments. Some are under the impression that with regard to the Church of England and the Church of Scotland, there shall be commutations with individuals only, and none with the bodies. Others think it is the intention of the Government to commute with the bodies, and not with individuals. Does the hon. gentleman repudiate the idea that this clause enables the Government to commute with those two churches as bodies?⁶¹

MR. AT. GEN. J.A. MACDONALD.--Yes! The object of the Government is that there shall be no commutation unless with individuals, except in regard to Roman Catholic and Wesleyan Churches, where individual incumbents are not recognized.⁶²

MR. BROWN.--If those are the intentions of the Government, it would be well to alter the phraseology of the clause so as to make it more explicit.⁶³

MR. AT. GEN. J.A. MACDONALD said he would take an opportunity of going over the clause with the hon. member, and if necessary, altering it so that there could be no mistake as to its meaning.⁶⁴

FOOTNOTES: 14 NOVEMBER 1854.

1. PILOT, 15 November 1854.
2. The debate inserted here may have occurred later in the day, when the House went into Committee on this Bill for the second time on November 14, 1854.
3. LE PAYS, 21 November 1854.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. LE PAYS, 21 November 1854. It is not clear whether it is Mr. A. Dorion, of Montreal, or Mr. J. Dorion, of Drummond and Arthabaska, who is reported in the first debate on the Seigniorial Tenure.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. LE PAYS, 23 November 1854.
22. IBID.
23. IBID.
24. GLOBE, 22 November 1854.
25. IBID.
26. LE PAYS, 23 November 1854.
27. GLOBE, 22 November 1854.
28. LE PAYS, 23 November 1854.
29. IBID.
30. IBID.
31. GLOBE, 22 November 1854.
32. LE PAYS, 23 November 1854.
33. GLOBE, 22 November 1854.
34. LE PAYS, 23 November 1854.
35. IBID.
36. IBID.
37. GLOBE, 22 November 1854.
38. LE PAYS, 23 November 1854.
39. GLOBE, 22 November 1854.
40. LE PAYS, 23 November 1854.
41. IBID.
42. GLOBE, 22 November 1854.
43. LE PAYS, 23 November 1854.
44. GLOBE, 22 November 1854.
45. LE PAYS, 23 November 1854.
46. GLOBE, 22 November 1854.
47. IBID.
48. LE PAYS, 23 November 1854.

49. IBID.
50. IBID.
51. IBID.
52. GLOBE, 22 November 1854.
53. IBID.
54. GLOBE, 22 November 1854, reports that the Committee rose from this sitting at 10 o'clock.
55. GLOBE, 22 November 1854.
56. GLOBE, 22 November 1854, reports that the House adjourned shortly after midnight.
57. GLOBE, 22 November 1854.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.

WEDNESDAY, 15 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Masson,--The Petition of the Reverend William Mair and others, Electors of the County of Argenteuil.

By Mr. Stevenson,--The Petition of the President, Directors, and Company of the London and Port Stanley Railway Company.

By Mr. Bellingham,--The Petition of N. Samuels and others, of the City of Montreal.

By Mr. Angus Morrison,--The Petition of the Reverend J. Grey and others, of the Township of Orillia.

By Mr. Aimé Dorion,--The Petition of the Right Reverend the Roman Catholic Bishop of Montreal, and others, of the District of Montreal.

By Mr. Brown,--The Petition of George Hamilton and others, of the Village of Flora, County of Wellington; and the Petition of Charles Magill and others.

By Mr. Gould,--The Petition of Abner Hurd and others, of the Village of Prince Albert, Township of Reach.

By the Honorable Mr. Morin,--The Petition of the Petit Seminaire de Ste. Thérèse.

Pursuant to the Order of the day, the following Petitions were read:--

Of James Gilrie and others, of the Townships of Tecumseth, West Gwillimbury, and parts adjacent; of Thomas Duffill and others; of George Gott and others, of

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the Town of Amherstburg; of the Reverend W. Taylor, D.D., and others, Sons of Temperance, and others; and of Richard Woodruff and others; praying for the passing of a Prohibitory Liquor Law.

Of John Campbell; representing that in the year 1843 he made a contract with the Board of Works for the construction of the Port Hope and Rice Lake Road, by which he became seriously involved; and praying that a grant of money be made, and placed in the hands of Trustees for the payment of laborers and other creditors to whom thereby he became indebted.

Of Marie Mctivier and other Ladies; praying for aid on behalf of the St. Joseph Lying-in Hospital, Quebec.

Of Henry Allen, Esquire, of the Town of Niagara, Barrister; representing that he was, in the year 1847, dismissed from the office of District Judge of the District of London; and praying that a Committee may be appointed to inquire into the circumstances of the said di[s]missal, and for relief in the premises.

Of the Congregational Church in the Town of London; praying for the passing of an Act to authorize them to dispose of a certain peice (sic) of Land granted them for a Burial Ground within the limits of the said Town, and also to hold or sell any other lands they may hereafter acquire.

Of Messieurs Allan Gilmour and Company, and others, Merchants, connected with the Lumber Trade; praying for certain amendments to the Act to regulate the cutting and measurement of timber, masts, spars, deals, staves, and other articles of a like nature.

Of Isaac Langelier and others, members of the Mechanics' Institute of St. Hyacinthe; praying for aid in behalf of that Institution.

Of M. Buckley and others, of the Town of St. Hyacinthe; praying for certain amendments to the Act 16 Vic. c. 236, incorporating the said Town, and extending the limits thereof.

Of Joseph André Taschereau, of St. Louis de Kamouraska, Esquire; praying payment of a certain amount due him for his services as Commissioner appointed for taking evidence in the matter of the Contested Election for the County of Kamouraska, during the last Session.

Mr. Polette, from the Standing Committee of Miscellaneous Private Bills, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act incorporating the Toronto Athenaeum and have agreed to report the same without any amendment.

They have also considered the Bill to incorporate the Huntingdon Academy, and have agreed to an amendment, which they beg to submit for the consideration of Your Honorable House.

Mr. Langton, from the Joint Committee appointed by the Legislative Council and Legislative Assembly for the regulation and management of the Parliamentary Library, presented to the House the First Report of the said Committee; which was read, as followeth:--

The Committee, since their organization, have been entirely engaged in the consideration of measures for replacing the valuable portions of the library destroyed by fire on the 1st of February last, full particulars of which disaster were reported to Your Honorable House by the librarian, at the commencement of the present Session.

The result of these deliberations will be hereafter submitted; meanwhile it is satisfactory to state, that the money claimed of the Insurance Companies, in payment for the Books damaged or lost at the fire, amounting to the sum of five

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thousand seven hundred pounds, has been paid into the hands of the proper Officers, and is available for re-appropriation.

Among the Books saved at the fire, the Committee rejoice to find included, the valuable Manuscripts, illustrative of the early History of Canada, which were procured by Mr. Faribault during his Mission to Europe on behalf of the Library in 1852, and which are now arranged, bound, and deposited in the Library.

The Committee have received from Mr. Faribault, proposals for procuring from Paris a further series of these documents;--those already obtained consisting of Official correspondence during the years 1625 to 1747, between the Authorities in Canada and the Government of France. Additional Papers, in continuation of this series, are to be found among the Archives of the Departments of State, at Paris; and by the liberality of the French Government, permission has been given to make further selections from the same.

In view of the historical importance of such a collection, and its use as affording materials of the highest value to the future Annalist, the Committee recommend that the sum of Two hundred pounds sterling, be placed at the disposal of Mr. Faribault, for the purpose of completing the series in question,--it having been intimated by that gentleman, that some six thousand pages of Manuscripts, being all that remains which it is thought desirable to obtain, could be transcribed and transmitted to Canada for a sum not exceeding that amount.

Resolved, That this House doth concur with the Committee in the said Report.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act incorporating the Brockville and Ottawa Railway Company, and have made several amendments thereto, which they have the honor to submit for the consideration of Your Honorable House.

Mr. Terrill reported from the Select Committee on the Bill for the removal of doubts and to explain the Provincial Statute 12 Vic. c. 42, That the Committee had gone th[r]ough the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Antoine Aimé Dorion reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Petition of J.W. Dorwin and others, of the District of Montreal, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Order of the day for the second reading of the Bill to incorporate the Saint Francis Bank, be postponed until To-morrow, and be then the first Order of the day; and that the 67th Rule of this House be suspended as regards the printing of the said Bill in French.

Ordered, That the Bill to incorporate the Huntingdon Academy, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

On motion of DR. T. FORTIER of Nicolet,¹

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Ordered, That the Return relative to the last Elections in Upper and Lower Canada, which was presented yesterday, be printed for the use of the Members of this House.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, to which they had annexed the Petition referred to them by the House relative thereto; and the Names of the Committee were read, as follow:--George K. Chisholm, Esquire, Samuel Black Freeman, Esquire, James Moir Perres, Esquire, Pierre Eustache Dostaler, Esquire; Chairman, Michael Hamilton, Esquire.

Mr. Benieux moved, seconded by Mr. Pouliot, and the Question being put, That the Petition of Louis C. LeFrangois, Registrar of the County of Montmorency, praying compensation for expenses incurred and damages sustained by him in consequence of certain charges preferred against him as Returning Officer in the year 1851, during the Election of a Member to represent the said County in Parliament, and on which charges, after certain proceedings of the House, he has never been permitted to make his defence, be referred to the Standing Committee on Contingencies; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Blanchet, Bowes, Brodeur, Bureau, Cartier, Cayley, Chabot, Chauveau, Chisholm, Church, Cook, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Dostaler, Dufresne, Egan, Felton, Thomas Fortier, Fournier, Guévremont, Hincks, Huot, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Lyon, Macbeth, Marchildon, Masson, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Poulin, Pouliot, Prévost, Rhodes, Roblin, Solicitor General Ross, Solicitor General Smith, Somerville, Thibaudeau, Turcotte, Whitney, and Wright.--(51.)

NAYS.

Messieurs Bell, Biggar, Brown, Casault, Chapais, Daly, DeLong, DeWitt, Dionne, Flint, Octave C. Fortier, Frazer, Freeman, Galt, Gamble, Gould, Hartman, Holton, Jackson, Jobin, Langton, Lumsden, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Matheson, Mattice, Morin, Niles, O'Farrell, Papin, Patrick, Polette, Robinson, Shaw, Stevenson, Terrill, and Valois.--(42.)

*So it was resolved in the Affirmative.*²

Ordered, That Mr. Daly have leave of absence for two weeks, on urgent private business.

MR. SICOTTE the SPEAKER ... read ... the following letter, which has been addressed to him by Sir C.P. Roney:--

SIR,--I have the honor to acquaint you that the Quebec and Richmond Railroad will open for traffic on Monday the 27th instant, and I am instructed by the Directors to state that, as the Chaudiere Bridge is now completed, an inspection of it will take place on Saturday, the 18th instant, and they will be much gratified if any hon. gentlemen of the Legislative Assembly will be of the party. The Company's steam ferry-boat will start from the Queen's Wharf on Saturday next at 10 a.m. The inspection will not occupy more than two hours, including the time necessary for going and returning,

(Signed)

C.P. Roney.

To the Hon. the Speaker of the
Legislative Assembly.³

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Ordered, That the Orders of the day be now read.

And the Order of the day being read, for receiving the Report of the Committee of the whole House on the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes:

On the motion of MR. AT. GEN. J.A. MACDONALD ... the amendments made in Committee to the second and third clauses ... were agreed to.⁴

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*And the Question being proposed, That the Report be now received;*⁵

MR. BROWN moved that the bill be referred back to the committee, "with the view of making certain amendments, providing that instead of keeping up a separate fund, a sum equivalent to the present value of the stipends and allowances chargeable on the Clergy Reserve fund be placed in the consolidated revenue, the stipends and allowances being made an annual charge thereon, and that the unsold Clergy Reserve Lands be assumed by the government, to be paid for in debentures, which shall be distributed immediately among the municipalities, along with all

the other proceeds of the Clergy Reserve funds." He said there were other amendments to be moved by the hon. members for York (Mr. Hartman) and Waterloo (Mr. Foley), which, together with his own, would form a series of resolutions bringing out the whole of the objections to the government scheme, entertained not only by hon. gentlemen on his side of the house, but he believed by the whole Reform party of Upper Canada. (Hear, hear.) Nothing could have brought out this more clearly than the unanimous verdict which had come from Upper Canada to Quebec since the question had been under the discussion of the house. He did not recollect of having seen one Reform newspaper which had not sustained the course taken by the opposition, and condemned the course taken by hon. gentlemen on the treasury benches. (Hear, hear.) At this stage of the bill he did not apprehend it would be desirable to enter into a long discussion, but he believed there were some hon. members who had not clearly understood the amendment he moved on a former occasion as an instruction to the committee, and which was negatived. He had been informed by several members that had they understood the matter then as clearly as they did now, they would have voted for the scheme suggested in his amendment. He thought that hon. gentlemen on the treasury benches, if they were really desirous of settling this question for ever, would even yet consent to adopt that scheme, that the country might be preserved from those difficulties and agitations which were otherwise inevitable.⁶

MR. AT. GEN. J.A. MACDONALD.--Hear, hear.⁷

MR. BROWN.--The hon. Attorney General cries hear, hear, but I tell him, if his bill passes, that most certainly he will have agitation. He cannot close his eyes to the fact that public meetings have been held, at which it has been declared that agitation will be resumed, if the bill is passed in the indefinite shape in which the hon. Attorney General has framed it. The honorable gentleman proposes--and this is the basis of his scheme--that a certain amount shall be taken from the Clergy Reserve fund, the interest of which shall be sufficient to meet the annual stipends payable to the clergy, if no commutation takes place--that this capital shall be kept in the hands of the government till the incumbents die out many years hence--and that the million and a half of acres of Clergy Reserves yet unsold shall also remain in the hands of the government and the proceeds distributed only as they are realized.

It may therefore be 30, 40, or even 50 years before all the lands are sold, and the fund wound up. The fund will thus be kept up as a tempting bait for agitation throughout the Province for long years to come. Much as we may deplore the continuance of agitation, most certainly that will be the result of it, if the bill passes in its present shape. But all this is not the worst--the commutation clause were (sic) enough to condemn the measure, placing, as it does, immense power in the hands of a conservative government to settle with their friends of the dominant churches as they shall think fit. (Hear, hear.) The hon. Attorney General has admitted that the scheme I have suggested is a better one than his own, and his sole objection to it is the legal difficulty he has founded on one of the clauses of the Imperial Act. But not one legal gentleman either in this house or out of it has endorsed the opinion of the Attorney General. On the contrary, we have had opinions given by learned gentlemen in this house, who stand very high in their profession, who have declared that the meaning of the Imperial Act is not such as he would have put upon it. But, as I have said before the interpretation of the language of the act, is not in this instance any nice question of law, it is a mere question of the meaning of certain English words, which any gentleman in this house is as able to interpret for himself as any lawyer possibly can be. (Hear, hear.) I do hope, therefore, that the house will

retrace its steps, and make the bill one which will finally settle the whole dispute. And besides, hon. gentlemen should bear in mind the great advantage which the carrying out of this scheme would be to the municipalities. The effect of it would be that it would give something like a million of money to be distributed among the municipalities at once, and without any inconvenience whatever, enabling them to extinguish their debts, and to go on vigorously with their local works. How different this from having the payments spread over 30 or 40⁸ [OR] 50 or 60⁹ years. (Hear, hear.) And honorable gentlemen will recollect that there is but one difficulty in the way of this being effected--the legal quibble about the interpretation of the second clause of the Imperial Act, which is in fact no difficulty at all.¹⁰

MR. SOL. GEN. D. ROSS did not think that the silence of legal gentlemen on his side of the House was to be construed into their being unprepared to endorse the legal opinion of the hon. Attorney General West.¹¹ It was not necessary that the Attorney General's opinions on the requirements of the Imperial statute should be indorsed by lawyers who agreed with him, unless it were controverted by a lawyer on the other side of the House who should stake his legal opinion upon it.¹²

MR. AT. GEN. J.A. MACDONALD said the interpretation he had put upon the statute was not obligatory on any one else, but he was satisfied, so far as he could be satisfied with anything, that his construction of it was correct. The hon. member for Lambton had said that no legal gentleman had endorsed his opinion, but he would like to know if any legal gentleman had controverted it.¹³

MR. BROWN.--The learned member for Montreal (Mr. Dorion,) the learned member for Wentworth (Mr. Freeman,) the learned member for London (Mr. Wilson,) the learned member for Glengary (Hon. Mr. Macdonald,) the learned member for Waterloo--¹⁴

MR. AT. GEN. J.A. MACDONALD said he was aware that his statement had been controverted by the hon. member for Montreal (Mr. Dorion,) but this was a matter for those acquainted more particularly with English law to decide.¹⁵ He had not found his opinion controverted by any lawyer of standing, either in the House or out of it: he referred to Upper Canada lawyers who were accustomed to construe acts according to English rules of construction.¹⁶ He did not know before¹⁷ [OR] think¹⁸ that the hon. and learned member for Glengary concurred in the view taken by the hon. member for Lambton. If he did, he should be very much surprised. The simple question was, what was the meaning of the words of the Imperial Statute? The Act provided that a sufficient sum should be retained to meet these stipends and allowances, which should not be appropriated to any purpose whatever, except to indemnify those parties. The member for Lambton proposed to offend against the very wording of the Statute.¹⁹

MR. BROWN.--No! No!²⁰

MR. AT. GEN. J.A. MACDONALD.--The hon. gentleman might say No! No! but he (Mr. M.) said Yes! Yes! It was not enough to say they would appropriate the amount to another fund, but would charge that other fund with these stipends. It was not enough to say that it amounted to the same thing, and that these stipendiaries were just as safe by having their annuities secured on the Consolidated Fund as on a Special Fund. It was not enough even to say that the security would thereby be greater. Even though that were the case, it was still an offence against the Statute, it was altering the terms of the Statute, it was appropriating these funds contrary to the express provisions of the Statute.²¹

The making of these stipends payable out of the consolidated revenue would be an offence against the Imperial Clergy Reserves act of 1853²². As he had argued before,²³ on a previous occasion,²⁴ this was simply an enabling Statute. Before it passed, the Provincial Parliament had no right at all to legislate on the alienation of the Clergy Reserves. It was passed for the purpose of giving that authority, and it was a well understood principle that, whenever a superior power gave an inferior power a certain authority, the limits of that auth[o]rity must be strictly observed, and that the slightest excess over that authority rendered the act of the inferior power invalid. So that, even supposing that the proposition of the hon. member for Lambton amounted to the same thing, and that it should give the clergymen just as good or even better security, it was still an offence against the Statute, and the only result of his succeeding in his resolution would be, in his (Mr. M's. opinion,) that it would give to the clergymen of the churches of England and Scotland and all others opposed to secularization, an opportunity of laying the case before the Crown Lawyers in England, and applying to Her Majesty's Government to have the measure disallowed. And, if his views of the law were correct, the inevitable consequences would be that the Crown officers in England would be obliged to advise Her Majesty that this Bill must be disallowed, inasmuch as it exceeded the authority given to the Provincial Parliament by the Imperial Parliament. The law-officers of the Crown in England would not²⁵ consider whether the stipends would be equally secure on the consolidated revenue fund; but only whether the English statute had been violated.²⁶ They would simply give their opinion that the Imperial Act enabled the Provincial Parliament to do a certain thing, with the condition that they would do it in a certain way--that that condition had not been observed, and that therefore the Provincial Act should be disallowed. If he (Mr. M.) was right therefore, the result would be that this Bill would be thrown out altogether, and that they could have no Clergy Reserve Bill at all for another year. If he was wrong, all the difference between this scheme and that of the hon. member for Lambton, was simply the trouble of keeping a separate account. But, supposing he was right, were hon. gentlemen prepared to have the matter thrown over for another year, and the whole agitation renewed with additional bitterness? Were they not informed by those who were opposed to secularization, that they would agitate against it and were they not informed on the other hand that the clergy of the churches of England and Scotland, so far from being entitled to receive future stipends, should be compelled to disgorge what they had already received. The whole question would be brought up again at the polls, and in every constituency they would have churchmen and no-churchmen fighting against each other. They would have all the agitation of the last 20 years quadrupled in intensity, for it would be felt that at length the crisis had come, and the country next year would thus be a scene of anarchy and confusion if the scheme of the hon. member for Lambton were carried out. Even if he (Mr. M.) were wrong he thought it would be bad policy, and bad statesmanship to run any risk about it. If this objection did not exist, he might not oppose the stipends being made a charge on the Consolidated Fund, but they could not get the clergymen to agree to it, and if it was attempted to force it, they could get the Bill disallowed any time during the next two years. If the hon. gentleman were sincere in his desire to settle the question, he thought he should rather adopt the Bill as it was, than run the risk of his (Mr. M's) opinion turning out to be correct, and of having the whole matter again laid open to controversy.²⁷

MR. FREEMAN said, he had ventured upon a former occasion to express an opinion different from that of the Attorney General. But he felt, that the

amendment proposed by the hon. member for Lambton was liable to the objection made by the Attorney General as to one part of it.²⁸ He hoped the hon. member for Lambton would consent to alter it, so as to bring it into complete accordance with both the spirit and the words of the Imperial Statute. The Imperial Act limited the power of legislation of this Parliament in two particulars. In the first place there was a proviso, that in so legislating they should not reduce the stipends or allowances of the existing incumbents, and in the second place, it was provided that they should not appropriate or apply to any other purpose such part of the fund as should be necessary to provide for the payment of those stipends. But the Attorney General went beyond this in his Bill, in proposing to set apart such an amount, the interest of which would be equal to the whole present amount of the stipends. It was quite evident that this was more than was at all necessary. All that was necessary was to set apart a sum equal to the present value of those stipends. He thought the amendment might be easily altered, so as to avoid all risk of the measure being disallowed for not being in precise conformity with the words of the Imperial Act, and he hoped the hon. member for Lambton would consent so to amend it.²⁹

MR. LANGTON wanted to know what idea the hon. member for Lambton attached to "capital sum;" as he had already given two interpretations of it; one that it was a sum sufficient to yield in interest the amount of the stipends and the other an amount sufficient to buy up the annuities. He (Mr. L.) wished to know which of these meanings was intended by the hon. member for Lambton, to be attached to the word "capital sum"; as he desired to know what he was to have to vote upon.³⁰

MR. BROWN expressed his willingness to amend his motion in the manner suggested by the hon. member for Wentworth.³¹

MR. SOL. GEN. H. SMITH and MR. AT. GEN. J.A. MACDONALD objected to the amendment being altered, after it had once been in the Speaker's hands.³²

MR. BROWN said he could get over that difficulty by withdrawing his amendment. Having done so, he made the alteration which had been suggested, and moved as follows:--

"That the Bill be recommitted to a Committee of the whole House, to amend the same, by providing--That all the lands, money and securities of every description now belonging to the Clergy Reserve Funds shall be forthwith transferred to the Crown at a valuation: That such portion of the same as may be ascertained to be the present value of the stipends and allowances secured under the Imperial Clergy Reserve Act, shall be retained by the Crown as an equivalent for assuming the annual payment thereof: That the said stipends and allowances shall become a fixed annual charge on the said sum so retained by the Crown: And that the whole remaining balance from the said funds shall be immediately distributed among the County and City Municipalities, in Cash or Provincial Debentures, as the public convenience may render expedient."³³

MR. LANGTON said the hon. member for Lambton had complicated this subject more than it was ever complicated before ... [by] putting out of question altogether, the legal difficulties, as to whether Government might assume the responsibility of paying the annuities of the incumbents or retain a specific sum in order to meet those annuities. He would merely look at the hon. member for Lambton's amendment as it stood. The hon. member had proposed that a certain sum should remain in fact in the hands of the Government to secure those annuities. Now that was in fact doing nothing more than keeping up the Fund in another name,

and if so, it would be of no consequence, what the fund is called.³⁴ The result would be that a sum would be left in the hands of the Government, when all the accounts were settled, without any provision being made as to what should be done with it, instead of the surplus being divided among the Municipalities as it accrued, according to the Government measure.³⁵ The hon. member by this proposition made this fund perfectly inapplicable for the purposes for which it was retained. If by "capital sum" the hon. member meant the "present value of all the stipends" then there would not be a sufficient sum to secure the payment of the annuities. It would be necessary to ascertain the value of the annuitie[s] to be paid by the plan of the member for Lambton.³⁶ The total charge on the Clergy Reserve Fund was something above £30,000 a year, but the present value of that amount would not yield an annual interest of above £20,000³⁷. After directing that the Government should hold an amount sufficient to meet the annuities he did not give the Government a sufficient sum to do so. The amendment of the hon. member was very objectionable.³⁸

MR. BROWN said that the hon. member for Peterborough was making a mountain of a molehill. The difficulties he spoke of were all imaginary. The resolution simply came to this, that the Government should reserve a sum equivalent to the present value of the pensions, and should assume the payment of those pensions, the fund so reserved being retained as the consideration and the security for the payment of those stipends, according to the provisions of the Imperial Act.³⁹ He (Mr. B.) could not conceiv[e] how any one could object to his amendment.⁴⁰ He was astonished to hear the Attorney General say that the stipend[i]aries would object to this scheme. How could they object, when they were to receive all that they were entitled to ask for? What reason could they have for appealing to England? And, supposing they did, would there be any attention paid to such an appeal? The law officers of the Crown would at once say--does not the Act fulfil the condition we imposed? are you not to get your allowances, every sixpence of them? what more could you have? (Hear, hear.)⁴¹ The Clergymen of the Church of England could not [object] certainly, for he (Mr. B.) was giving to them all they asked, namely their stipends during the whole of their lives. Why should they wish to appeal to the authorities in England⁴²? The hon. Attorney General himself admitted that this scheme would give the clergymen all they asked for, and that it fulfilled in fair justice and to the full extent all the demands of the church. The only difficulty was this legal quibble, by which the Attorney General took exception to the mode of procedure, not to the equity of the settlement, in order that he might thrust in his outrageous commutation clause; he hoped, however, the House would see that there was no difficulty at all in the case, and would defeat the hon. gentleman's device.⁴³

MR. AT. GEN. J.A. MACDONALD (Kingston) said, the difference between the hon. member for Lambton's and his clause was for this that his (Mr. M's) would not be likely to be refused in England but that the hon. member for Lambton's would.⁴⁴ If the honorable member intended only to keep a sum equal to the present value of the annuities, it would not yield enough; and⁴⁵ if the special fund should be kept up at all, then the whole of the hon. member's plan fell through. That hon. member wanted a portion of the monies to go into the Consolidated Revenue Fund, and that the remainder that should be sufficient to pay the incumbents, should be kept up in the separate fund.⁴⁶

MR. J.S. MACDONALD (Glengarry) could not see the force of the Attorney General's objections. He surely could not mean to say that the English Government would not consider the security now offered amply sufficient. But there

was something behind those objections. There could be no question but the Attorney General would have accepted this scheme as a much preferable mode of settling the matter, but for its interfering with his commutation clause⁴⁷, [which] the Government were bent upon carrying⁴⁸. Add to this that when he (Mr. Macdonald) saw the hon. member for Simcoe (Mr. Robinson) sitting quietly after presenting some days ago, the petition of the Rev. Mr. Evans and other clergymen, praying to have their stipends not only increased, but a large amount of back pay allowed, with a view to have something like £6000 deducted from the fund--he could not help feeling that there was some hope held out to the State Church party, which this House could not be prepared to endorse. The antecedents of that party clearly demonstrate that they would never give up an inch of their claim on the Clergy Reserve fund unless they felt that their expectations were well based--else depend on it, Mr. Speaker, that as formerly, he would have had counsel at the bar of this House, protesting in the strongest language against the spoliation of the Church. (Hear, hear.) It was quite manifest that, so long as they set apart a sufficient sum to meet all contingencies, they complied both with the letter and the spirit of the Imperial Act. (Hear, hear.)⁴⁹

MR. AT. GEN. J.A. MACDONALD.--With the letter?⁵⁰

MR. J.S. MACDONALD of Glengarry.--Yes, undoubtedly.⁵¹

MR. RANKIN said he was not quite sure that he clearly understood the object of the amendment. He would like to ask whether the hon. member proposed that a sufficient sum⁵² to produce a yearly income, large enough to meet⁵³ the yearly stipends of the clergymen,⁵⁴ should be invested⁵⁵ and whether they would receive their salaries during their lives?⁵⁶

MR. BROWN.--Most certainly.⁵⁷

MR. LANGTON.--The member's motion does not provide for it.⁵⁸

MR. BROWN.--The proposition is that the Government shall take the whole proceeds of the Reserves, and the whole of the unsold lands at a valuation, that out of these they shall reserve a sufficient fund to meet all annuities guaranteed under the Act which will then be doubly secured. They will have the security of this fund, and that of the Provincial Exchequer besides. After the annuities are thus secured, I propose that the whole balance shall be immediately distributed among the Municipalities.⁵⁹

MR. RANKIN expressed himself satisfied with the explanation.⁶⁰

(320)

Mr. Brown moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "That" to the end of the Question be left out, and the words "the said Order of the day be discharged, and the Bill recommitted to a Committee of the whole House, to amend the same, by providing, That all the lands, money and securities of every description now belonging to the Clergy Reserve Funds shall be forthwith transferred to the Crown at a valuation: That such portion of the same as may be ascertained to be the present value of the stipends and allowances secured under the Imperial Clergy Reserve Act, shall be retained by the Crown as an equivalent for assuming the annual payment thereof: That the said stipends and allowances shall become a fixed annual charge on the said sum so retained by the Crown: And that the whole remaining balance from the said Funds shall be immediately distributed among the County and City Municipalities, in Cash or Provincial Debentures, as the public convenience may render expedient" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YMA. '

NA.YS.

So it passed in the Negative.

MR. HARTMAN rose to move another amendment. A great deal had been said about the necessity of adhering to the very terms of the Imperial Statute. He did not agree with the construction put upon the Imperial Statute, and brought as an objection to the amendment just voted down, but there was one point on which he conceived there was a very great discrepancy between the Imperial Act and the Bill now before the House. The whole Bill was framed with a view to commutation, of which there was not one word in the Imperial Act. (Hear, hear.) The hon. Attorney General insisted on the very letter of the Imperial Act being strictly adhered to. If he were really desirous of carrying out both the letter and the spirit of that Act, and also of meeting the wishes of the people of Canada, he would give up the commutation clause. (Hear, hear.)⁶¹ If the Imperial Parliament had intended commutation to take place, they would not have worded the second section of the Imperial Act as they did.⁶² The Imperial Act provided that it should not be lawful to annul, suspend or reduce the stipends. The present Bill, in direct contrariety to that, proposed to annul them at once, and to pay in lieu thereof a sum sufficiently large to induce the stipendiaries to give up those allowances. He considered that this proposal was in direct contravention of the Imperial Act. Would there be no danger of the Bill being disallowed in England, if passed in its present shape? The Attorney General said the Bill might be disallowed at any period within the next two years, but the commutation was to be effected with[in] one year. Supposing the Imperial Government, after the expiry of one year, disallowed the Bill, after this commutation had been effected, what would be the position of matters then? (Hear, hear.) What would become of all the money paid for commutation? But he opposed this commutation mainly, because he was opposed as a matter of principle to the endowment of the Church by the State, and because commutation was a violation of the principles of that party in Upper Canada, which had always advocated and demanded the secularization of the Reserves, and who had forced the hon. gentlemen on the Treasury benches to take up the position they now did. It was in

violation of those principles to endow the churches by giving them a large fund to induce them to relinquish the annuities. (Hear, hear.) The third clause, that to which he now objected was most inconsistent with itself. It commenced by laying down the principle that it was desirable to remove all semblance of connection between church and state. It ended by proposing permanently to endow those churches at the expense of the state (Hear, hear.) If they were to strike out that clause, injustice would be done to no one, and at the same time they would be saved from violating the principle which had been at the foundation of the whole of this agitation.⁶³ If honorable members wished to carry out the spirit of the Imperial Act, they could not object to his amendment.⁶⁴

(321)

Mr. Hartman moved in amendment to the Question, seconded by Mr. Frazer, That all the words after "That" to the end of the Question be left out, and the words "the said Order of the day be discharged, and the Bill recommitted to a Committee of the whole House, to amend the same, by leaving out the 3rd Clause, and all portions of such other Clauses as authorize or relate to Commutation with Religious Bodies or Individuals" inserted instead thereof;

MR. AT. GEN. J.A. MACDONALD (Kingston) objected to the amendment as irregular.⁶⁵

MR. CHISHOLM opposed the amendment, and said that the municipalities would gain by commutation, by receiving the amount immediately, instead of waiting for twenty years.⁶⁶

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Brown, Bureau, Church, Charles Daoust, Darche, DeLong, DeWitt, Antoine A. Dorion, Fergusson, Flint, Foley, Frazer, Freeman, Gould, Guévremont, Hartman, Holton, John, Laberge, Langton, Lamden, John E. Macdonald, Roderick McDonald, MacKenzie, McKellic, Marchildon, Matheson, Mattice, Merritt, Munro, Papin, Prévost, Rankin, Seatchard, Valois, Wilson, and Wright.--(39.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Cook, Crawford, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Egan, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gamble, Gill, Hincks, Huot, Jackson, Laporte, Lawill, Leoutillier, Lemieux, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McEwan, Masson, Meagher, Monjean, Morin, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Poulin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Whitney.--(68.)

So it passed in the Negative.

MR. FOLEY.--Had a motion to make in amendment which he expected would share the same fate as that just before the House. He had been opposed to the bill from beginning to end, because he thought that it did not accomplish secularization of the Reserves.⁶⁷ He believed the government were attempting to build up those very establishments which they professed a desire to put down. Secularization would take place whether the bill was passed or not.⁶⁸ He would move,

"That the said report be not now concurred in, but be referred back to the committee of the whole House to amend the said bill by stating the names of the individuals, who are to be entitled to the stipends under the said Act, and the sums per annum that they shall receive; also to provide that any commutation made under the Act, shall be predicated upon the actual age of the incumbent and the sum to be paid shall be guided by the annuity tables published by authority in the Province in 1851."⁶⁹

MR. SICOTTE the SPEAKER read the rule of the House of Commons showing that the motion of amendment was out of order, till the question of concurrence in the amendments of the Committee had been decided.⁷⁰

A slight discussion took place upon the decision of the Speaker.⁷¹

MR. SICOTTE the SPEAKER said that such amendments should be offered in committee. The amendment was not in order.⁷²

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Then the main Question being put;

Ordered, That the Report be now received,

Mr. Patrick reported the Bill accordingly; and the amendments, were read and agreed to.

MR. GAMBLE.--Did not think that the bill was perfect and would propose to add certain clauses to it. He would propose to refer the whole matter to the opinion of the people of the Province.⁷³ They should have an opportunity of deciding for themselves once and for all with regard to this great question. It was a question in which every man in the country was deeply interested, and he hoped that he would be sustained in this motion by all the Liberal members of this House, and he hoped also to be sustained in it by the hon. and gallant knight at the head of the Government, and those who sat along with him, as they had always expressed their desire to conform to the wishes of the people, and their willingness to submit to the desire of the people of Canada that the Reserves should be secularized. If he was satisfied that such was the desire of the people, he was willing to submit to it, and never to raise the question again, but he maintained that the desire should be expressed in an unmistakeable manner.⁷⁴ (hear hear).⁷⁵ It might be objected to the method he proposed, that it was one not known in our Constitution. It might not be known in England, but it was known in this country. In regard to votes of money to railways⁷⁶ [OR] for particular purposes⁷⁷ by municipalities, it was recognized that a direct appeal should be made to the people on such questions, and why not on a great constitutional question like the present? He was in favour of their having a written Constitution, all the provisions of which should be submitted to the people for their sanction⁷⁸ and [made] binding upon that House. The time was coming when that event would take place. It was a monstrous humbug to talk about the unwritten constitution of England (hear hear).⁷⁹ So long as they were without it, [a written Constitution] he contended that a question like this should be submitted to the direct vote of the people.⁸⁰

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Mr. Gamble moved, seconded by Mr. Rhodes, and the Question being proposed, That the following Clauses be added to the said Bill: "And be it enacted, that the foregoing enactments shall not come into operation or be in force unless they shall be sanctioned by a majority of the Votes of the People of this Province, to whom the same shall be submitted for confirmation at the time of holding the Municipal Elections next following the passing of this Act; and in

order to ascertain such majority, it shall be the duty of the Returning Officers at such Elections to open a Poll, and to keep a Poll-book in which they shall record all the Votes tendered for or against this Act by persons then resident within their Municipalities respectively, and qualified to vote at Elections for Members of the Legislative Assembly:

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"And be it further enacted, that such Polls shall be kept open during the two or more days, and during the hours for which it shall and may be lawful to keep a Poll open for such Municipal Election, and it shall be the duty of each Returning Officer as aforesaid to add up the number of Votes at the close of such Poll, on each day it shall be kept open, and declare it; and also to transmit to the Secretary of the Province, verified upon oath, in the form set forth in this Act, the Poll-book kept by him; and it shall be the duty of the Provincial Secretary, upon receipt of the said Poll-book so transmitted, to make up the total number of Votes, and to publish the same in the Canada Gazette; and should the majority of the Votes so polled be in favor of the before mentioned Act, then the said Act shall, upon such publication, be in full force, but in the event of the majority of Votes being against the said Act, then it shall be of no validity whatever.

(Form of Oath.)

"I do solemnly swear that the above statement is a true and faithful record of the Votes polled for and against the Act, intituled, 'An Act to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes,' in the (Ward, Township, Village, Town or City,) on the day of in the year

Sworn before me at
this day of , 185 ."

MR. MACKENZIE said it was a strange conjunction, to see Loyalty seconded by Annexation. When he used to see the hon. mover perambulating the streets of Toronto, he was wont to be astonished at the extraordinary effulgence of British loyalty which passed before his eyes, but now the same gentleman started up and proposed the most ultra Yankee Democratic measure ever submitted to the House.⁸¹ (laughter). He had just taken a Rip Van Winkle sleep, and upon awaking had discovered that the honorable member for West York, who once was the most sublime model of loyalty, was not bringing forward such an extraordinary motion.⁸² Men did change wonderfully! For his own part, he was not Democratic enough to vote for the motion, which practically affirmed that the members of this House, chosen as representatives of the people, did not truly represent them.⁸³

MR. FREEMAN said, although he was not unfavorable to leave any question to the opinion of the people, he thought that the amendment proposed by the honorable member was not in order. To refer to the people the question as proposed would not be constitutional.⁸⁴ The Constitutional Act said that Her Majesty, with the consent of her Parliament, should make laws, and not that they should be decided upon by the people directly.⁸⁵

MR. SICOTTE the SPEAKER, being thus appealed to, decided that the motion was in order.⁸⁶

MR. LYON took this opportunity of stating his views generally on the present position of the Reserve question, not having been present at the previous debates.⁸⁷ The attempt of the honorable member for West York was the last

honest one to defeat the bill. He (Mr. Lyon) was not surprised to see that honorable gentleman oppose the bill, because he never professed to be in favor of secularization⁸⁸. [He] expressed surprise that while the hon. member for Lambton said this bill did not meet the views of the country, the hon. member for Haldimand denounced a proposal to refer the question to the people.⁸⁹ The opposition that had emanated from the honorable gentlemen (liberals) on the opposite side of the House, had somewhat taken him (Mr. Lyon) by surprise, for he was satisfied that they were lending their aid to the honorable member for West York in order [to] defeat to (sic) secularization of the Reserves, and when honorable member[s] saw such a combination of parties, they must come to the conclusion that those who had charged the government with insincerity in not carrying out this bill, were thos[e] who showed the most desire to see the measure defeated,⁹⁰ and that they were actuated by other motives than they were willing to acknowledge.⁹¹

MR. SOL. GEN. H. SMITH.--(Hear, hear.)⁹²

MR. LYON.--Those who were opposing the measure had never been sincere in so doing, (hear, hear.) It had been to them the capital upon which they had built themselves up⁹³. It was the only staff they had in their hands to support them, and it once removed, they would fall prostrate never to rise again. No wonder then that they desired to hinder the settlement of the question.⁹⁴ He (Mr. Lyon) must confess that if any bill could effect the objects for which it was intended, he took it that this bill as now framed would do it.⁹⁵ He looked upon the Bill as fitted to serve the end for which it was designed--the secularization of the Reserves--and he trusted it would be carried, and for ever set the question at rest.⁹⁶ The commutation clause in the act would break down the link that connected Church and State. The incumbents could sell out their annuities immediately, more favorably than to the government.⁹⁷ Those who were cavilling at its details would find that the country would not sustain them in so doing.⁹⁸ After reviewing some of the arguments adduced by honorable members, he concluded.⁹⁹

MR. RANKIN was an enemy to compromise in commercial or financial operations, and¹⁰⁰ on matters of principle.¹⁰¹ He was an enemy to all compromise, and was therefore of opinion that the measure should be made a thorough one. He did not think that the present Bill was of that character, so long as it embodied the principle of commutation.¹⁰² If he ever had had any predilection at all, it was in favor of the government, at the head of which was the Honorable Mr. Hincks, who he thought was entitled to the thanks of the country for the manner in which he disc[h]arged his duties, and he did not consider he (Mr. Rankin) was at all bound to support the measures of the present administration, unless he thought that they were just. Although he was strongly imbued with the American doctrine of popular sovereignty, he did not wish to be regarded as a supporter of the honorable member for West York's amendment¹⁰³ which would only give an opportunity for a last struggle on a question that ought now to be settled.¹⁰⁴ He might support it perhaps, at a late stage if he had no other resource. He (Mr. R.) was altogether opposed to commutation by the government with religious bodies or individuals, and if ever he felt it to be his duty to oppose the present government it was upon that occasion, and he did so with the feeling that he had not compromised himself by any promises to the present administration.¹⁰⁵ When the present Government came into the places they now occupied, they led the House and the country to believe that they did so with the honest intention of carrying out the wishes of the majority of the people, by carrying a measure to secularize the Reserves.¹⁰⁶ According to his humble judgment this measure was

not calculated to accomplish secularisation.¹⁰⁷ It was nothing more nor less than they might have expected from the language of the Answer to the Address, a measure for the "adjustment" of this long agitated question, and¹⁰⁸ he regarded it as a measure very different to that which the people of Upper Canada had hoped to receive, and which he (Mr. R.) expected to receive when he came forward and stated that he was ready to give the government a fair trial.¹⁰⁹ But if it were carried he would be the last man to try to disturb the settlement.¹¹⁰ He thought that the bill had been introduced into committee in a very unhandsome manner, had been smuggled into it.¹¹¹

MR. SOL. GEN. H. SMITH.--(Hear, hear.)¹¹²

MR. RANKIN.--If he was opposed to endowments of churches, it was not because he had any enmity to the churches endowed. So far from that, he was a member of the Church of England, which would receive the lion's share under the commutation clause, but he conceived the system of endowments to be evil itself, and hostile to the pure spirit of the Christian religion. No higher ground of argument could be taken than to point to the words and example of Christ himself, and he would defy any one to deduce from those words and that example anything like a foundation on which to build an argument in support of endowments for churches. It was contended that it was absolutely necessary to provide for the maintenance of clergymen in a proper station. It was argued that a clergyman was a gentleman, whose education was costly, and that his position in society was what was commonly known as the position of a gentleman. Did Jesus Christ come into this world as a gentleman? Were his immediate followers gentlemen? Did he select those by whom he was surrounded from the men of high degree? Was not his example utterly at variance with the pretensions now made by dignitaries of the Church of England? In the streets of London, amid the throngs of carriages with the armorial bearings of their owners on their panels, conspicuous among all others were to be seen those bearing the mitres of bishops. Was that at all consistent with the humble spirit which should characterize the ministers of the Christian religion? When a parent was thinking of occupations for his sons, he looked round on the professions which would secure them positions in society, and said one would enter the army, another the bar,¹¹³ or [the] medical [profession]¹¹⁴ and another the church, and all for precisely the same considerations--considerations certainly which were not the right ones to prompt a man to devote himself to the service of God. And the very first step taken by a young man entering the Church of England, as a means of affording him a fixed income, shewed that he was utterly destitute of any moral feeling. The first thing they did was to swear that they had a divine call, or were inspired by God, to devote themselves to His service, which in very many cases, as he knew from the previous history of these young men, was nothing but a solemn mockery. It was on these grounds that he was opposed to commutation. He did not begrudge these gentlemen the money to which they were entitled, and he was anxious they should have their incomes secured to them,¹¹⁵ during their lives¹¹⁶ but, believing the system to be evil, he was desirous of putting an end to the possibility of its being prolonged. He would, therefore, move in amendment--

"That the House do not now concur in the Bill, but that it be sent back to the Committee of the Whole to be amended by expunging the third clause, and all the words after 'aforesaid' in the last line but one of the fourth clause."¹¹⁷

MR. DALY ... seconded [the motion]¹¹⁸.

MR. SICOTTE the SPEAKER decided that Mr. Rankin's motion was not in order, not being an amendment to the one already in possession of the chair.¹¹⁹

MR. POWELL would move an amendment to the amendment of Mr. Gamble, which he read as follows:--"That the words 'qualified to vote at elections for members of the Legislative Assembly' be left out of the first of the said clauses, and the words 'whose names appear upon the Assessment Rolls for the present year,' inserted instead thereof." He said in support of his amendment, that he desired to express his opinions generally on the bill, which he had not had an opportunity of doing at an earlier period of the debate upon it. In the first place, he must state that he considered it an act of spoliation--an infamous measure (cries of order.) He believed that he had the right to express that opinion. It was a measure so thoroughly bad, and went so far, that he thought it might well satisfy the hon. member for Lambton.¹²⁰ But the opposition it appeared, were disposed to go even further than the government, by resisting commutation.¹²¹ The hon. gentlemen on the treasury benches had very well kept their promises¹²², on taking office¹²³, that they were going to secularize the Clergy Reserves. He would not have referred to their position in taking that step but for the remarks of the hon. Attorney General West the other evening, in which he had the modesty to compare himself and the hon. and gallant knight from Hamilton to Sir Robert Peel and the Duke of Wellington. He (Mr. P.) denied that there was any analogy whatever between their position and that of those statesmen, who acted under the pressure of urgent necessity, and who did not gain office by yielding to it, but on the contrary made sacrifices. The position of the hon. gentlemen on the treasury benches was more like that of a judge of old, of famous memory, who consented to a deed of enormous injustice, and then said that he would wash his hands of it because the people demanded it. Those hon. gentlemen do not say that they approve of this bill; on the contrary, they say it is an act of injustice, but agree to it because it is clamored for. The hon. Attorney General West said that he expected and was prepared for reproaches and taunts, and that he was prepared to kiss the rod, which he (Mr. P.) would give him a touch of. (Laughter.) He was not of those who believed that the state ought not to support religion. He believed that it ought; and that the most desirable state of society was that in which religion was the handmaid of the state. He did not say that religion ought to control the state, but it ought to receive assistance from it. He could cite even the opinions of voluntaries to prove that the tendency of voluntaryism was infidel.¹²⁴ The Free church, of which the member for Lambton was a member, in their Synod in Edinburgh last year stated that the voluntary system was infidel in its tendency, and destructive in its practice.¹²⁵

MR. BROWN.--No! No!¹²⁶

MR. POWELL said he was much mistaken, if they did not. And he would like to know if John Wesley ever aimed at removing from the church her support by the state.¹²⁷ What would Wesley say of this bill, if he were alive? What would Dr. Chalmers say of it? Did those men hold that it was wrong for the state to support religion?¹²⁸ The opinion of Dr. Chalmers too was well known, that the church might beneficially derive support from the State, but that the church should not attempt to control the state. That was precisely his (Mr. P.'s) opinion.¹²⁹ Look at the condition of Scotland at the present time. Where was there a more religious country or a people better ordered? Yet there religion was supported by the state. The hon. member for Toronto, the other evening, had shewn some of the effects of voluntaryism in the State of New York, and he might have gone further. Here Mr. P. read from Mackenzie's Message an extract copied from some American newspaper, to the effect that a large number of ministers¹³⁰ of religion in the United States had abandoned preaching and gone to farming, selling hats, keeping boarding-houses, &c.¹³¹ That was one practical

effect of voluntaryism--a society without religious teachers.¹³² So long as the church was the handmaid of the state, so long would religion prosper.¹³³ The hon. member then went on to contend that he did not believe that the great body of the people of this country would sanction the bill before the House. He read over statistics of the different religious bodies, and contended that the majority must be opposed to secularization. He could not believe that their sentiments were represented in that House, which did not fully represent the people. He was convinced that not one in twelve of the whole population would vote for secularization, if the question were put before the people on its own merits.¹³⁴ The French Canadians had been eloquently appealed to by the learned member for Toronto (Mr. Cameron), to prevent the act of spoliation now in progress. That hon. member stated that the next attack would be on Lower Canadian church property, although he did not say that he would himself join in that attack.--But he (Mr. Powell) was a politician of to-day, and was willing to bow to the popular will, and there could be little doubt what the expression of that will would be on the question of Lower Canada church property, once the Clergy Reserves were disposed of.¹³⁵ He, with others, would warn the R.C. members from Lower Canada to beware of their votes on this occasion. If this bill were passed by the votes of hon. gentlemen from Lower Canada,¹³⁶ he would in all matters connected with religion adopt henceforth the leadership of the hon. member for Lambton. (Hear, hear.) If hon. gentlemen from Lower Canada forced upon them a warfare of this kind, let them get the full benefit of it.¹³⁷ The people would demand the secularization of Lower Canada R.C. church property after that which had been laid aside for the support of the Protestant religion was good. The Lower Canada members were sowing the wind, and they might be sure that they would reap the whirlwind. He warned them that their Upper Canada Conservative allies would make but a poor barrier against the storm, whatever might be their professions. It was perfectly idle to talk about the different tenure of L.C. church property, as compared with that of Upper Canada. Why, the ground on which a Presbyterian Church in this city stood was once wrested from the Dominicans. Once admit the principle of destroying religious property, and no nice distinctions of tenure would be made. A good deal had been said about the unconstitutionality of the step that he proposed to take, and also about a written constitution. If he proposed to take a step that was extraordinary, the question was also an extraordinary one; and as to a written Constitution, he thought it would be well if we had in Canada a court like the Superior Court of the United States, to revise such legislation as that proposed in the Bill before the House. As to the argument that had been used, that these lands had not been appropriated, he could only say that he held that the sales under the different acts of parliament of these reserves, the proceeds of which had been applied to religion were as much appropriations as any patent could be, and the principle that destroyed them would destroy a patent.¹³⁸ The poor people of this country were not represented in the House: the rich were; but it was for the poor that George III intended the reserves should be made the means of providing the ministrations of the Gospel. He should hereafter look back with satisfaction for having recorded his vote and raised his voice against a measure of sacrilege, spoliation and robbery.¹³⁹ He supposed, however, notwithstanding all, that the Bill would pass; but he had done his duty in opposing it; and endeavoring to get it referred to the people.¹⁴⁰

MR. AT. GEN. J.A. MACDONALD and MR. MARCHILDON rose together, but Mr. M. sat down and the Attorney General continued.¹⁴¹

MR. AT. GEN. J.A. MACDONALD said he would not hand the hon. member (Mr. P.) over to Mr. Marchildon, but himself would reply to one or two of his observations. The hon. member had informed the House that this Bill was infamous, robbery, and sacrilege, yet by his amendment he proposed to refer it to the ratification of the people. Surely it should not deal so gently with a thing so bad¹⁴². If he was correct in saying that the present bill was an infamous measure of sacrilege and spoliation, he should oppose it single-handed, although the whole world were against him, instead of referring it to the vote of the people.¹⁴³ The hon. member for Carleton had read from a newspaper a censure of certain clergymen for following worldly occupations. But he believed there were instances in which some who preached in the time of Christ followed the humble occupation of fishermen.¹⁴⁴

MR. POWELL.--But they did not leave off preaching: these chaps did.¹⁴⁵

MR. AT. GEN. J.A. MACDONALD.--The hon. member also stated that, if the present bill passed, he would henceforth be a follower of the hon. member for Lambton, and attack every thing sacred in Lower Canada, inasmuch as every thing sacred in Upper Canada had been attacked without a previous vote of the people. If that vote were not taken, he would follow in the footsteps of the hon. member for Lambton--but of course at an humble distance, as he could not hope to equal that hon. member in zeal--but he would follow¹⁴⁶ the lead of the hon member for Lambton, to carry further the principle that he declared so infamous; surely the hon. member was not very consistent in that.--The Lower Canada members need not be under any alarm if the opposition to their religious property were not based on any stronger principle than that.¹⁴⁷ If that attack was based on no better foundation than the speech of the hon. member for Carleton on this occasion, he did not think that any great fears need be entertained of the safety of these institutions. In regard to the amendment of the hon. member for West York (Mr. Gamble), he should oppose it, because he considered the opinions of the people on the question of secularization had already been unequivocally expressed.¹⁴⁸ The speech of the hon. member for Essex he (Mr. M.) would pass over without remark. As to the opinions of the people of the country on this question, he considered that they had been unequivocally expressed at the last elections--so clearly that no room was left for doubt,--and that expression might be found in the votes of members of that House.¹⁴⁹

MR. MURNEY opposed the amendment; but declared he did not believe the views of the people of Canada were fully represented on this question by the present House. The people at elections generally inquired about roads and bridges, and how aid could be got for these, and the candidate who could make the best promise had the best chance of succeeding. Hon. gentlemen knew that that was the mode of electioneering.¹⁵⁰ [He] declared his intention to vote against Mr. Gamble's amendment.¹⁵¹

MR. WILSON said the amendments were not in accordance with the spirit of the constitution¹⁵² of 1791¹⁵³ [OR] on the ground of its [Mr. Gamble's amendment] republican character¹⁵⁴, he should oppose them. He believed they struck at the root of good government. He was sorry to see the hon. member for West York take such a step, and thought that he had better try his hand at once at writing out a constitution, and perhaps he might find some to agree with him.--He would not have been surprised at such an amendment from the member for Haldimand, whom nobody heeded; but it was different from the hon. member for West York.¹⁵⁵

MR. LANGTON suggested a practical difficulty.--He would like to know how the votes of the whole country were to be scrutinized, and referred to the case of the election of the County of Saguenay.¹⁵⁶ [He] opposed it for the same reason, [as inconsistent with the constitutional act of 1791] and also on the ground that, if the bill were sent to the people as a whole, many might vote against it,¹⁵⁷ because they were opposed to some of the details, some because they were opposed to commutation, and some because they disliked some other detail.¹⁵⁸ There would be a combination against it of those opposed to secularization and those secularizationists who held that the Bill did not go far enough, in such a manner that a vote could not be got on the simple principle of secularization.¹⁵⁹

MR. BOWES contended that those most affected by this Bill should have an opportunity of expressing their views upon it by a different reference to them; and that could not be more extraordinary than the Bill itself.¹⁶⁰ The bill put forth at the last election was that on which there was an expression of opinion, as far as there was any such expression; but there had been no direct expression of opinion on the subject, but it had been mixed up with the personal popularity of ministers, whose election would have been secured without reference to their opinions on this question. He denied that the majority from Upper Canada were in favor of this bill. Although the amendment might approach republicanism, this was an extraordinary measure, and might be met by extraordinary means.¹⁶¹

MR. MARCHILDON [said] ... some words¹⁶².

MR. GAMBLE replied. He contended that the people of Upper Canada were not represented in this House in proportion to their numbers,¹⁶³ in consequence of the equal representation between the two sections of the Province. He wanted every man to speak for himself. The population of Upper Canada probably exceeded that of Lower Canada by 800,000 people; and were theri (sic) voices to be drowned in the settlement of the question?¹⁶⁴ Their voice ought to be heard on this question which so particularly affected them. In the last parliament he (Mr. G.) had been called a republican by the hon. and gallant knight for supporting a principle which he (Sir Allan) was now going to carry in a Bill shortly to be brought under consideration. He hoped before many years were over to see a better constitution than the present one, and the people represented according to their numbers.¹⁶⁵

MR. ROBINSON thought the amendment unconstitutional.¹⁶⁶

MR. FOLEY said a few words against the motion¹⁶⁷. The conservative members in voting for commutation, had voted for what the government called secularization; and they were therefore inconsistent in afterwards opposing secularization.¹⁶⁸

(322)

Mr. Powell moved in amendment to the Question, seconded by Mr. Bowes, That the words "qualified to vote at Elections for Members of the Legislative Assembly" at the end of the first of the said Clauses be left out, and the words "whose names appear upon the Assessment Rolls for the preceding year" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAH.

Messieurs Bowes, Egan, Marchildon, O'Farrell, and Powell.--(5.)

(522-523)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Brodeur, Brown, Bureau, Burton, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Daly, Charles Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Fergusson, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Huot, Jackson, Jobin, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Matheson, Mattier, Mather, Merritt, Mongrain, Morin, Angus Morrison, Muir, Niles, Papin, Patrick, Pouliot, Powell, Prévost, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, Valois, Whitney, and Wilson.--(86.)

So it passed in the Negative.

(323)

Then the main Question being put, the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bower, Gamble, Marchildon, O'Connell, Ramsay, and Thibault.--(87.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Brodeur, Brown, Bureau, Burton, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Daly, Charles Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Felton, Fergusson, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Huot, Jackson, Jobin, Laberge, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Matheson, Mattier, Mather, Merritt, Mongrain, Morin, Angus Morrison, Muir, Niles, Papin, Patrick, Pouliot, Powell, Prévost, Robinson, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, Valois, Whitney, and Wilson.--(97.)

So it passed in the Negative.

MR. FOLEY said he noticed in the list of clergymen laid on the table by the Government,¹⁶⁹ the names of several parties who had been placed on the fund since the passing of the Imperial Act; and in order that there might be no mistake about it, he desired that the names of the parties entitled to stipends, should be inserted in the bill. He would therefore move,

That the Bill be recommitted to a comm[is]sion of the whole House, to amend the same by stating clearly the names of the individuals who are to be entitled to stipends under the said Act, and the sums per annum, they shall severally receive; also, to provide that any commutations made under the Act, shall be predicated on the actual age of each Incumbent, and that the sum to be paid in commutation shall be determined by the annuity table published in this Province, by authority, in 1851.¹⁷⁰ He contended that if the hon. gentleman (sic) on the treasury benches were sincere in their professions they could not refuse to accept his amendments.¹⁷¹

MR. AT. GEN. J.A. MACDONALD did not see any necessity for this amendment.¹⁷² [He] had no objection to this motion, except that it would delay the bill for nobody knew how long. The hon. gentleman said the returns on the table were incorrect. That return was not the return of the government. It was sent by the denomination interested. The government had called for returns from the different religious bodies of the stipendiaries on the fund; but only one return had yet been received; no returns had been received from the dioceses of Montreal and Quebec; and the passage of the bill could not await the pleasure of these bodies.¹⁷³ The terms of the bill were so stringent that the Government if it would could not favor anybody¹⁷⁴. The Bill stated as clearly as could be, that no incumbent who was not receiving from the Clergy Reserves at the time of the passing of the Imperial Act on the 9th May, 1853, would receive anything under this Bill.¹⁷⁵ He had no objection to put the names received, in the bill; and to add a clause that if they were afterwards found incorrect they should be corrected and that any returns to be received afterwards be added if they were received before the third reading of the bill.¹⁷⁶

MR. HARTMAN said the motion required that the precise amount to be received by each incumbent should be stated in the Bill. He wished to call the attention of the Attorney General to that point, and ask whether the Bill clearly stated that the stipendiaries should only receive the amounts they were in receipt of at the date of the passing of the Imperial Act.¹⁷⁷

MR. AT. GEN. J.A. MACDONALD.--Most decidedly. Nothing more.¹⁷⁸

MR. J.S. MACDONALD of Glengarry.--Then the meaning of the Attorney General is that those clergymen who have been complaining that since 1832, they have only received £170 per annum, while they conceived themselves entitled to £200, shall under this measure receive £170 and no more.¹⁷⁹

MR. AT. GEN. J.A. MACDONALD.--Parties can only get the amounts they were receiving at the time of the passing of the Act of 1853, and if any one wants more, they must come to this House, and ask for it; he cannot receive more under this Bill.¹⁸⁰

MR. LANGTON agreed with the mover of the amendment that it would be desirable to have some method by which the country should clearly see on what terms the commutation was to take place. At the same time it was not desirable to wait till those returns came in, and hon. gentlemen should be satisfied if a distinct pledge were given by the Government that a return giving all the information asked for, should be laid on the tables of the House at as early a period as possible.¹⁸¹ [He] had no doubt the bill would be carried out in good faith by the Government; but it was also desirable to make the country believe that.¹⁸²

MR. AT. GEN. J.A. MACDONALD.--I have no hesitation in saying that the Government will do all in their power to procure¹⁸³ the necessary returns and all the evidence that could be obtained to establish their correctness¹⁸⁴ and lay them before the House during the present session.¹⁸⁵

MR. BROWN read from the second clause of the Bill to shew that the stipends payable were not expressly limited to the amounts paid at the time of the passing of the Imperial Act, as stated by the Attorney General.¹⁸⁶ The second clause left the Government considerable latitude which was not desirable.¹⁸⁷ His hon. friend, the member for Glengarry, had alluded to the claims of the Rev. Mr. Evans and others, whose petition the hon. member for Simcoe, (Mr. Robinson) had brought forward and withdrawn again without any explanation whatever. Those gentlemen

were asking a settlement of their claims, and there was nothing in this Bill, so far as he could see, to prevent their getting it. There was another point also that should be remarked. The Church of Scotland had been receiving, and at the time of the passing of the Imperial Act, was receiving, a much larger sum--several thousand pounds more than they were able to spend. They had been building manses and churches, and trying in every way to get quit of the money, but they had not been able to prevent its accumulating. Was the Church of Scotland to receive this surplus fund also, the double of what they were able to expend, and which was not received by individual incumbents? Would the gross sum be given to that Church, or simply the amounts which had been received by individuals?¹⁸⁸

MR. AT. GEN. J.A. MACDONALD said the second clause of the Provincial Bill¹⁸⁹ was copied word for word from the Imperial Act, and those parties protected by that Act, were described in that clause.¹⁹⁰

MR. BROWN.--That is not the point. We know all that. The question is, how do the Government intend to carry out the provisions of the Act? Do they intend merely to give the amounts received by individuals, or the surplus besides that no individuals have been receiving?¹⁹¹

MR. AT. GEN. J.A. MACDONALD.--The Government have the fullest intention of carrying out the terms of this Act, to the letter.¹⁹²

MR. BROWN.--Guarded exceedingly--and very instructive for the Reform members. The act is so loose that the Attorney General himself cannot interpret it. Should such wide power be left to the Government? Is it not for Parliament to decide who are the stipendiaries and how much they are to receive? Then there is another class of claims of clergymen's widows, who are now receiving pensions; and still another of the claims of the wives of the existing incumbents, who may be looking forward to allowances after the death of their husbands? All these matters are left indefinite and yet the Government may commute them all at such sums as they choose.¹⁹³

MR. AT. GEN. J.A. MACDONALD.--We cannot alter the Imperial Act. We merely protect the parties protected by that act, and provide that not one single individual who does not come within the purview of the Imperial Act, shall come within the purview of the Provincial Act.¹⁹⁴

MR. BROWN was not satisfied with the Attorney General's assurances. There are two ways of looking at a case, and we ought to know now the true view. He objected to the power of decision in all these cases being handed over in gross to the Executive leaving them to decide the claims as they chose. If the matter was left in its present indefinite shape, they might commute for £300,000, £400,000, or £500,000. He did not wonder that hon. gentlemen on the Treasury benches had perfect confidence in themselves, but the country had not confidence in them, knowing that they had been compelled against their inclinations to swallow this measure. How could the parties who had forced this upon them trust the whole carrying out of the details in their hands? (Hear; hear.) And besides, it was only natural that they should desire the opportunity of being able to favour their old friends. In these circumstances, he considered it a highly reasonable proposal to amend the Bill, "by stating clearly the names of the individuals who are to be entitled to stipends under the said Act; and the sums per annum they shall severally receive." In regard to the Church of Scotland, as he had shown, a very large sum was left in doubt. The claims of Mr. Evans and others were also left in doubt. There was another point embraced

in the amendment, that the commutations should be predicated "on the actual age of each incumbent." The Bill stated that the commutations should be calculated "on the probable life of each individual,"--a very convenient phrase, as the probable life would have to be calculated on a variety of circumstances, as the state of health, &c. The executive were thus left to commute with individuals at any rate they pleased.¹⁹⁵ Why not take the actual age instead of the probable life?¹⁹⁶

MR. AT. GEN. J.A. MACDONALD would like the hon. member to tell him how he could find out the probable life of an individual except upon a predication of his actual age.¹⁹⁷

MR. BROWN.--Why not state it then?¹⁹⁸ The proper method was to lay down a fixed, definite rule, on which the calculations should proceed, the actual age being first ascertained, and then the amount determined by the ordinary annuity tables.¹⁹⁹

MR. J.S. MACDONALD held that the Government should be specifically bound down, and no latitude allowed them.²⁰⁰ The Government professed that their scheme was to deal with the stipendiaries only. It was due, therefore, to the House that they should explain what they were to do with the large sum given to the Church of Scotland, which was not received by incumbents, comprising the amounts set apart for manse and glebes, the sums invested in stock of the Bank of Montreal, &c., amounting together to £6664. What was to be done with that amount? As to the expectations of the Church of Scotland, there could be no doubt, especially as they knew that after the passing of the Act it would be referred to their friend, the Attorney General, for his decision. It would be much more fair and just that the matter should now be settled by the House.²⁰¹

MR. LANGTON took this kind of opposition to be mere cavilling.²⁰² The hon. member for Lambton was unreasonable in cavilling at the language of the second clause.²⁰³ Nothing could be paid but the salaries of the parties actually receiving (sic) them at the time of the passing of the Imperial Act. Although desirous of placing all the information it was possible to get in the bill, he did not wish to delay it for that purpose.²⁰⁴ The Government could not at this time put a list in the bill of the kind demanded; nor had they a correct one at the present time.²⁰⁵ He was quite satisfied with the assurance of the government that the information would be laid on the table at the earliest possible date; and he would be ready to censure them if they neglected to do so.²⁰⁶ If there was any thing wrong, the hon. member for Lambton would have an opportunity of bringing it up.²⁰⁷

MR. BROWN.--That would be locking the door after the steed was stolen.²⁰⁸

MR. LANGTON could not see that there was any stealing of a horse in the matter.²⁰⁹

MR. FOLEY.--I am astounded at the honourable member for Peterborough (Mr. Langton) speaking as he has done. He was to have moved a similar amendment, and on my stating that I was to bring forward the present amendment, he withdrew his.²¹⁰

MR. BROWN.--And he voted for one precisely the same before.²¹¹

MR. S. SMITH (Northumberland) opposed the amendment. He could not see how the Bank Stock, referred to by the hon. member for Glengary, could come under the operation of the Bill.²¹² [He] also contended that the danger which Mr. Brown affected to dread had no existence (sic).²¹³

MR. BROWN.--No doubt that is the view of the hon. member for Northumberland, but hon. gentlemen on the Treasury benches may think differently. (Hear, hear.)²¹⁴

MR. S. SMITH.--It is impossible for the Government or any one else to hold that the allowances which do not go to individuals, can be paid under this Act. If the Government attempted any thing of the sort the country would hold them responsible.²¹⁵

(323)

Mr. Foley moved, seconded by Mr. Flint, and the Qu[est]ion being put, That the Bill be recommitted to a Committee of the whole House, to amend the same, by stating clearly the Names of the Individuals who are to be entitled to stipends under the said Act, and the sums, per annum, they shall severally receive; also, to provide that any commutations made under the Act, shall be predicated on the actual age of each Incumbent, and that the sum to be paid in commutation shall be determined by the Annuity Tables published in this Province, by authority, in 1851; the House divided: and the names being called for, they were taken down, as follow:--

(323-324)

YEAS.

Messieurs Aikins, Biggar, Brown, Bureau, Church, Daly, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Fergusson, Flint, Foley, Frazer, Galt, Hartman, Holton, Jobin, Laberge, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Marchildon, Matheson, Mattice, Merritt, Munro, Papin, Prévost, Scatcherd, Valois, and Wilson.--(34.)

(324)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cartier, Cauchon, Cayley, Chabot, Chapuis, Chisholm, Clarke, Cook, Langdon, Jean B. Daoust, DeLong, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Egan, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Gould, Hincks, Huot, Jackson, Langton, Laporte, Laroche, Lemieux, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Meagher, Mongenais, Morin, Niles, O'Harell, Patrick, Pouliot, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Whitney.--(35.)

So it passed in the Negative.

MR. MERRITT then moved, that the bill be amended, by inserting after the first word "applicable" in the 29th line of the 5th clause, the words "and shall be appropriated by the said Municipalities solely for the support of Common Schools, and the establishment of District Libraries within the limits of the said Municipalities respectively, and for no other purpose whatsoever;" and by leaving out the words "to any purpose to which such funds are applicable" in the same line.

The hon. member said this amendment will not in any way disarrange the present bill. It will read thus: And shall make part of the general funds of the Municipality, and be applicable. "And shall be appropriated by the said Municipalities for the support of Common Schools, and the establishment of public Libraries, within such Municipality, and for no other purpose." This amendment will operate as a constitution to the Municipalities and protect this

fund in the same manner as the Common School fund has been protected in New York, by depriving the Legislature from appropriating it to any other object whatever, the result of which I will hereafter point out. Since the union, no amendment of equal importance has been submitted for the consideration of this House for on the decision will the character of the future population of Canada be established. Can any Canadian possessing a Canadian (sic) heart and Canadian mind feel indifferent to the elevation of his fellow countrymen. I do not appeal to those who have been educated in Europe, who have had all the advantages of Universities, Colleges, and other seats of learning--they can feel no sympathy with us--but those like myself who have walked miles to get the opportunity of attending a County school, will feel with me, that it is their duty and their interest to give the youth of Canada as good an opportunity as the youth of any other Country to be educated. I call for the support of those who believe the fund should be preserved for religious purposes--in no possible manner will their piety be more extensively, more rapidly or more effectually diffused than by educating your daughters. For my religious teaching I am wholly indebted to my mother, for my limited education to County schoolmasters and for its application, to myself--having experienced the [dis]advantages from not having an opportunity to acquire an education, I feel it my duty to place it within the reach of all who come after us in comparing the past with the present, I am happy to find education extending throughout the world, with a degree of rapidity unexampled in past ages. Mr. Evans in his "Schoolmaster," published in 1840, proved that during 55 years past a great[er] number of people had been educated than from the beginning of the world, up to that period, and that for five years back, a greater number than in the 55 years. Education had never been extended to the common people until after the Puritans established Common Schools in America, and by a ... singular coincidence the Parish Schools were established in Scotland in (sic) six years after. In our own Country we have reason to be proud of our Normal and Common Schools under the admirable management of the talented Superintendent of Upper Canada. I regret that I have not the same opportunity of knowing the result in Lower Canada, but I trust that education is progressing satisfactorily. Still much remains to be done, and this country of all others is subject to just reproach for not having provided a Fund for the support of Common Schools many years since inasmuch as there even has been a greater amount of capital at the command of Government, from the proceeds of land than any similar Government in America. Upper Canada was settled as early as 1777 and received her constitution in 1791. At that time two million five hundred thousand acres of land were set apart for religious instruction. Had the framers of that constitution commenced at the foundation and set it apart for Common Schools, for the education of the entire population alike, we would not now be discussing their distribution--but they like all their learned predecessors not understanding the wants of the country or the feeling of its population commenced by providing for the support of clergymen who were not in the country in place of the schoolmaster. In 1797 the Duke of Portland set aside five hundred thousand acres more for the support of Grammar Schools, and in due course of time, the endowment of a Ministry. The Government of the day ednowed (sic) a Ministry first, and left the Grammar Schools to the last, still neglecting any appropriation for Common Schools. We have already witnessed the result. The object of all appeared to be to provide for the education of the few and the wealthy by endowments, of lands, and leave the education of the masses and the needy to taxation. Our Journals prove that efforts have been made from time to time to set apart a portion of the public Lands for common schools. The late Col. Burwell, brought the subject under the consideration of the Legislature of Upper Canada repeatedly, but the terms were never agreed upon. In 1841, the

first year of the Union, my Honorable and learned friend the Commissioner of Crown Lands pledged himself and the Legislature to set apart the public lands to create this fund as the 2nd clause of his School Bill proves. I now call upon him to redeem that pledge by voting for this amendment. In 1849, the then Commissioner of Crown Lands, the Honorable J.H. Price succeeded, with the unanimous approbation of the Government of that day, to appropriate the proceeds of every acre of the public Lands in Upper and in Lower Canada, until the interest of the capital to be invested, would yield \$100,000 per year. What has been the result, the public accounts of last year, gives the return of the proceeds at one thousand four hundred and seven pounds. In 1789, twelve years after the adoption of the Constitution of New York, 500,000 acres of the public lands were set apart for common schools. In 1823, the proceeds were appropriated under a Constitutional provision. In 1836, the proportion of the deposit fund, arising from public lands, set apart for that state, was also applied to the same object. In 1844, the revenue had produced about 11,000 School Districts, and 4,032,396 volumes of books, in the District Libraries. Every succeeding constitution guards this fund with the same vigilance and favor. Under the Constitution of 1846, in the 9th article we find this short sentence: "The Capital of the common school fund (including other branches) shall be preserved inviolate, and the sum of twenty-four thousand dollars, of the revenues of the United States, deposit fund shall each year be appropriated to and make a part of the capital of the said common school fund." From the report of the Superintendent of common schools in 1853, the revenue from this fund had issued near \$125,000. I also call upon them to realize the difference, between a fund created from land and a fund created from taxation. In the former, the people impose a voluntary tax to the amount received from this fund, the only penalty imposed is of the neglect to tax. They receive no part of the school fund, [and] consequently receive a bounty of one dollar for every dollar tax. In the latter case for the want of ... providing a similar fund we are all taxed twice, first from Customs, and second by direct taxation. The only objections I have heard against creating ... this fund for common schools, is an apprehension it would at some future period be applied for the support of the clergy again, and that it would bring up the controversy respecting separate schools. All experience proves from the feeling prevailing, among a people who have been for many years favored with such a fund, that no ground exists for this apprehension. The entire population of New York from the Governor down to the humblest individual, look upon the common school fund with a feeling of national pride. Almost every Governor in his annual message keeps it before the public. In 1844, Governor Wright makes the following eloquent and beautiful allusion to it. "The thankfulness we owe to those who have gone before us for the institution of the common school fund for its constitutional protection, and for its prudent administration hitherto, we can best repay by imitating their example, and improving upon their work as the increased means placed in our hands, shall give us the ability."

No public fund is so little seen, yet so universally felt, so mild in its exactions and yet so bountiful in its effects.

The facts exhibited, presents (sic) the most striking and satisfactory evidence of the immense extent of public benefit, which the revenue arising therefrom, have (sic) produced in so limited a term of years.

With respect to separate schools. A moment's examination will convince any intelligent minds, that it can have no connection whatever with that question. Separate schools, or any other system for the management of schools is established by law. You do not affect that law, by providing a fund from land in place of a fund out of a tax from customs. In New York the fund has been in

existence one half a century, but no separate schools. Therefore there is not, or cannot be, the remotest bearing on that question. For my own part I am as anxious to see Catholics become educated as Protestants. Knowledge is as useful for the one as the other providing this fund is truly a national object, and we should take a comprehensive and intelligent view of it, without regard to national interest or localities in the act of 1840. The proceeds of all the public lands in Canada, are divided equally between Upper and Lower Canada. Although it is a matter of public notoriety that lands in Upper Canada are worth perhaps ten to one more than in Lower Canada, still we hear no person complain of that division; why, because, we are as much interested in educating Lower Canadians as Upper. If the union is preserved we must all be placed on an equal footing, and the division line between Upper and Lower Canada removed forever. If on the contrary a division of the two provinces again takes place, which is not improbable, a division of the revenue must take place also. However, I have not disturbed the arrangement of the bill, the only alteration is to introduce the conservative principle of a constitution and compel municipalities to act in concert and diffuse the blessing of education to all the poor and the needy as well as the wealthy. Let us contrast the advantages of an educated people; with elective institutions we find intelligent men generally selected by intelligent men to watch over their interest in the government of their country. Look at the late Daniel Webster, Henry Clay, Calhoun, and others; have they not been elected as steadily session after session in the senate of the United States as if it was their birth right. Look at Mexico and the republics further south, composed of an ignorant population; you find, anarchy and confusion, continuing for years without any apparent change for the better. Mr. Speaker, it behoves us to weigh this matter well before it be too late--this is the last opportunity you will ever have of providing a fund for your children. The present revenue from imports cannot be depended upon, and the trifling fund yet secured from land are hardly worth the name. If you want your schoolmaster to assure that station in society to which his usefulness entitles him, you must increase his pay. This fund would under proper protection and management change the character of the next generation and place them on an equal footing with any other population on this continent. Sir, the destiny of Canada is fixed, the elective principle certain; it is a mere matter of time, in a few years it will read every branch of the Civil Government of Canada. It remains for the members of this House and you Sir, to determine whether that government, is to be elected by an intelligent or an ignorant people.²¹⁶

DR. FRAZER supported the amendment. Had the ministry brought in a Bill to endow the common schools with the proceeds of these Reserves, they would have built to their memory a monument more durable than brass.²¹⁷

MR. POST. GEN. SPENCE said the support of education did not depend upon getting this particular fund for educational purposes. It would soon be seen by [the] House that²¹⁸ the government were not indifferent to the cause of education, but the people had made up their minds that these funds should go to the municipalities for general purposes. Not a petition had come in asking that they should be devoted to Education. He trusted that the educational interests of the country rested on a firmer basis than the mere disposal of this fund.²¹⁹

MR. MACKENZIE supported the motion.²²⁰ The Legislature of Upper Canada had voted those Reserves to Education, and at that time the voice of the country was as 10 to 1 in favour of such an appropriation, and if the people could be polled to-morrow he believed they would be of the same mind in 1854 as they were in 1836.²²¹

MR. SCATCHERD could speak for his own constituency, that they were decidedly in favour of devoting the Reserves to education.²²²

MR. HINCKS opposed the motion. If the people desired the funds to be given to education, there was nothing to hinder the various Municipalities from devoting them to that purpose.²²³

MR. BROWN said some Municipalities might apply the funds to education, and some to roads and bridges, but the hon. member for Lincoln desired that this fund should be kept intact and in perpetuity, as a great educational fund, from which a regular income would be derived. That would be very different from the patchwork system of having it divided among the Municipalities and by them expended in various objects. As to the feelings of the people of Upper Canada on the subject, there could be no doubt. Until the hon. member for Renfrew brought down his Bill last year, the idea was scarcely ever suggested that the Reserves should be given to anything else than education, and he did believe that it was the wish of the Reformers of Upper Canada that they should be preserved for school purposes. At the same time he must admit that latterly there had been growing up this feeling--the great object is to get the Clergy Reserve question settled, give the Reserves to Education if you can, but if not, to any other good purpose, provided you can get the question settled. With that view he was prepared to accept the proposition of the hon. member for Renfrew and of the present Government, but at the same time he considered the member for Lincoln had suggested what would be the best plan, most in accordance with his own views, and most in accordance with the views of his constituents and of the people of Upper Canada generally, and he should therefore support his motion.²²⁴

MR. ROBLIN opposed the amendment, on the ground that since the scheme was first broached, not one of the municipalities had objected to the funds being handed over to them in the way proposed.²²⁵

MR. MCKERLIE supported the amendment as being in his view, the most important one that had been offered to the Government scheme.²²⁶

MR. AT. GEN. J.A. MACDONALD of Kingston ... spoke stron[g]ly against it²²⁷.

(324)

The Honorable Mr. Merritt moved, seconded by Mr. Roderick McDonald, and the Question being put, That the words "and shall be appropriated by the said Municipalities solely for the support of Common Schools and the establishment of District Libraries, within the limits of the said Municipalities respectively, and for no other purpose whatsoever" be inserted after the word "applicable" in the 29th line of the 5th Clause of the said Bill, and that the words "to any purpose to which such funds are applicable" in the same line, be left out; the House divided: and the names being called for, they were taken down, as follow:--

YAYS.

Messieurs Bell, Biggar, Bowes, Brown, Church, Cook, Darche, Delong, DeWitt, Antoine A. Dorion, Flint, Foley, Frazer, Galt, Hartman, Holton, Jobin, John S. Macdonald, Roderick McDonald, McLean, McMillan, Marshall, Matheson, Merritt, Merrill, Papin, Prévost, Scatcherd, Southwick, Thibodeau, Thompson, Wells, and Wilson.--(33.)

NAYS.

Messieurs Aikins, Blanchet, Brodeur, Burton, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Crawford, Daly, Jean B. Daoust, Desaulniers, Dufresne, Octave C. Fortier, Fournier, Gamble, Hall, Hincks, Ingram, Johnson,

Laporte, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Meagher, Mongenais, Morin, Munro, Niles, O'Farrell, Patrick, Pouliot, Rhodes, Robinson, Roblin, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Taché, and Whitney.--(48.)

(325)

So it passed in the Negative.

Mr. Mackenzie's name having been taken down among the Yeas,²²⁸

MR. SOL. GEN. H. SMITH objected. The hon. member was not in the House, when the question was put.²²⁹

MR. MACKENZIE said he hoped the objection would not be pressed.²³⁰ While a member was speaking I went to the gallery to speak a moment to a Legislative Councillor. I returned immediately, and the Speaker was putting the question. I voted for Mr. Merritt's motion.... I intreated him to allow my vote to stand--reminded him that I had thus voted before in 1836; that I would never have another opportunity; that my vote would not effect (sic) the result; and that I had continually advocated the Reserves for Education.²³¹

MR. SOL. GEN. H. SMITH.--I object.²³²

MR. MACKENZIE.--It is the most shabby thing I ever knew. (Order!)²³³

MR. LANGTON said the member for Waterloo (Mr. Foley) had expressed his surprise that he (Mr. L.) did not vote for his motion, seeing that he had intended to move an amendment very similar. He had now prepared an amendment, which, though seeking the same object, did it in a different way. He begged to move--That the following Proviso be added to the 3d Clause: "Provided also, that within three months from the passing of this Act, a Schedule shall be laid before both Houses of Provincial Parliament, containing the names and ages of all parties to whom any stipend or allowance is payable under this Act, together with the amounts of each stipend or allowance, and also the stipend or allowance payable to the two bodies herein specially named; and it shall not be lawful for any commutation to take place until such Schedule shall have been laid before both Houses for thirty days during a Session of Parliament."²³⁴

MR. AT. GEN. J.A. MACDONALD remarked that the government had already declared what it intended to do, on the motion of the hon. member for North Waterloo (Mr. Foley), and they did not intend to depart from it.²³⁵

MR. BROWN.--The amendment now moved suits the purpose uncommonly well. The hon. gentleman has put the matter in a better position than in the motion which came from this side of the House (Hear, hear.)²³⁶

MR. FOLEY.--I cheerfully acknowledge the improvement (Hear, hear).²³⁷

(325)

Mr. Langton moved, seconded by Mr. James Smith, and the Question being put, That the following Proviso be added to the 3d Clause of the said Bill: "Provided also, that within three months from the passing of this Act, a Schedule shall be laid before both Houses of the Provincial Parliament, containing the names and ages of all parties to whom any stipend or allowance is payable under this Act, together with the amounts of such stipend or allowance, and also the stipend or allowance payable to the two bodies herein specially named; and it shall not be lawful for any commutation to take place until such Schedule shall

have been laid before both Houses for thirty days during a Session of Parliament;" the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Church, Daly, Darche, DeWitt, Antoine A. Dorion, Flint, Foley, Frazer, Galt, Gould, Hartman, Holton, Jobin, Langton, Lumsden, John S. Macdonald, Roderick McDougall, McKenzie, McGillivray, Marchildon, Matheson, Mattice, Merritt, Angus Morrison, Munn, Pagan, Parish, Prévost, Rankin, Scatcherd, James Smith, and Valois.--(36.)

NAYS.

Messieurs Alleyne, Bowes, Brodhurst, Cartier, Cartier, Chapais, Chisholm, Cook, Crawford, Jean B. Dugas, DeLong, Desautels, Dumas, Attorney General Drummond, Dufresne, Egan, Arthur C. Forster, Forster, Forster, Hinks, Jackson, Laporte, Larwill, Lynn, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Meagher, Mongenais, Morin, Niles, O'Farrell, Parish, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Wilney Smith, Donnell, Watkins, Spence, Thibault, Taché, Terrill, Thibaudeau, Turcotte, and Whitney.--(55.)

So it passed in the Negative.

MR. MACKENZIE, said that by the present Bill, the Roman Catholic Bishop of Toronto would receive his allowance for twenty years, while the Protestant Bishop, on a calculation of his probable life would only receive his probably for five years. If Dr. Strachan was treated in that manner, the gallant Knight would have another rebellion to quell, and would have to march out again with his Troops to put down Bishop Strachan and his followers. He (Mr. Mackenzie) could not contemplate such a result without a feeling of horror. (Laughter.)²³⁸

(325)

Mr. Mackenzie moved, seconded by Mr. Brown, and the Question being proposed, That the Bill be recommitted to a Committee of the whole House, with an instruction to amend the 2nd Clause, by leaving out so much thereof as provides for the payment of an annual allowance during the next twenty years to the Roman Catholic Church and British Wesleyan Church Mission, and to grant in lieu thereof the several sums stated in the Public Accounts to have been paid to the Roman Catholic Bishop of Toronto, and to Clergymen of that Faith, and also to certain British Wesleyan Missionaries, respectively, to be payable from the time of the passage of the Imperial Statute referred to in the said 2nd Clause, during the natural lives and incumbencies of the said Clergymen; the names of the said Incumbents and Missionaries, and the sums that will be severally payable to them, to be added as a Schedule to the Bill;²³⁹

MR. LYON said there was a great deal of force in the arguments of the hon. member for Haldimand, but he did not think he accomplished his object in the right way. The proper method was to raise the Protestant Bishop to the same level as the Roman Catholic Bishop. He therefore moved an amendment to Mr. Mackenzie's motion.--That the words "And that, in order that there should be no semblance of difference between the Protestant Church and Roman Catholic Church, the Protestant Bishop John Strachan and the other Protestant Clergy, shall have twenty years' commutation of their salary or stipend," be added thereto (Laughter)²⁴⁰.

MR. BROWN said he did not think the motion of the hon. member for Haldimand was rightly understood. It simply amounted to this: In the Government scheme it was proposed to settle with the Churches of England and Scotland on the

probable lives of the incumbents, the commutation amounting on an average to 11½ years, purchase thereby. Why not deal with the Roman Catholic Bishop and the ministers of the Methodist Church, whose names were given as recipients, on precisely the same principle? Why not put them on exactly the same footing?²⁴¹

MR. LYON asked leave to withdraw his amendment (No! no!)²⁴²

(325)

Mr. Lyon moved in amendment to the Question, seconded by Mr. Crawford, That the words "or that, in order that there should be no semblance of difference between the Protestant Church and Roman Catholic Church, the Right Reverend the present Protestant Bishop of Toronto, and the other Protestant Clergy, shall

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have twenty years commutation of their salaries or stipends" be added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bowes, Lyon, and Powell.--(3.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Brodeur, Brown, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Cook, Daly, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Flint, Octave C. Fortier, Fournier, Frazer, Galt, Gunble, Gould, Hartman, Hincks, Holton, Jobin, Laporte, Lumsden, Macheth, Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKerlie, Marchildon, Mattice, Mongenais, Morin, Angus Morrison, Munro, Niles, O'Farrell, Papin, Patrick, Pouliot, Prévost, Rankin, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Valois, and Whitney.--(76.)

So it passed in the Negative.

MR. BROWN called the attention of the House to the fact that the mover had voted against his own motion, and that the gentleman who seconded it, had gone out of the House just before the vote was taken (Hear, hear, and laughter.)²⁴³

MR. BOWES asked leave to withdraw his name, if neither the mover nor the seconder had voted for their own motion (No! No!)²⁴⁴

In the votes, as subsequently printed, Mr. Lyon's name appears among the Yeas, swelling the minority to 3.²⁴⁵

(326)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Brown, Frazer, Hartman, Lumsden, Mackenzie, McKerlie, and Mattice.--(9.)

(326-327)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Cook, Daly, Jean B. Daoust, Darche, DeLong,

Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Egan, Flint, Octave C. Fortier, Fournier, Galt, Gamble, Gould, Hincks, Holton, Jackson, John, Langton, Laporte, Macbeth, Attorney General Macdonald, McLean, Murchillon, Monaghan, Munro, James Macdonald, Niles, O'Farrell, Papin, Patrick, Pouliot, Powell, Prévost, Rankin, Roblin, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Terrill, Thibaudeau, Turcotte, Valois, and Whitney.--(71.)

So it passed in the Negative.

(327)

Mr. Antoine Aimé Dorion moved, seconded by Mr. Holton, and the Question being put, That the Bill be recommitted to a Committee of the whole House, for the purpose of amending the same, so as to provide that from and out of all funds, monies, and properties whatsoever known as the Clergy Reserves, a sum sufficient to pay the salaries and stipends already granted and given to the Clergy of the Churches of England and Scotland, or to any other Religious bodies or denominations of Christians in Canada, (to which the faith of the Crown was pledged at the time of the passing of the Imperial Act last cited in the Preamble to the said Bill,) during the natural lives or during the ministry or charge of the parties now receiving the same, shall be reserved for the payment of the said salaries and stipends as the same may become due; and the surplus of the said Clergy Reserves shall be paid into and form part of the Consolidated Revenue Fund, and the Public Domain of the Province, and shall be valued, and after such valuation, appropriated as follows: one half shall be added to the Common School Fund of the Province, and the other half shall be paid either in money or in debentures, and shall be divided among all the Municipalities according to their population; the proportion accruing to Upper Canada and to the Townships of Lower Canada, to be paid to the Municipalities of Upper Canada, and to those within which the said Townships of Lower Canada are situate, and by them applied to local purposes; and the portion accruing to the inhabitants of the Seigniories to be applied to the redemption of the Seigniorial Tenure; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Darche, Desaulniers, DeWitt, Antoine A. Dorion, Galt, Holton, Jobin, Murchillon, Papin, Pouliot, Prévost, Thibaudeau, Turcotte, Valois, and Whitney.--(71.)

NAYS.

Messieurs Aikins, Bell, Bellingham, Biggar, Bowes, Brodeur, Brown, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Cook, Crawford, Jean B. Daoust, Delong, Dionne, Attorney General Drummond, Egan, Fournier, Gamble, Gould, Hartman, Hincks, Jackson, Langton, Laporte, Lumsden, Macbeth, Attorney General Macdonald, Sir A. N. Macdub, McLean, Matheson, Monaghan, Munro, James Macdonald, Niles, Patrick, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Pouliot, General Smith, Sidney Smith, James Smith, Scatcherd, Spence, Stevenson, Taché, Terrill, and Whitney.--(57.)

So it passed in the Negative.

MR. GALT moved his resolution with reference to the Townships, on which his views were before reported. The resolution follows:--

That the bill be recommitted for the purpose of amending it, by adding the words: "Provided always, that in the case of Lower Canada, the Municipalities

entitled to share in such distribution, be those within the limits of which lands have been set aside for the support and maintenance of a Protestant Clergy," at the end of the 5th clause.²⁴⁶

MR. TERRILL said he was surprised to see the hon. member move an amendment, the principle of which was as unjust as impracticable. Although he (Mr. T.) was not fully prepared to sustain the principle of the bill as between Upper and Lower Canada, still he was prepared to express his conviction that Lower Canada was getting a very considerable, if not full equivalent, in the application of the consolidated revenue of the Province to the redemption of a Lower Canada burden. Now the principle of the hon. member's amendment, if carried out in full, must necessarily apply to the different municipalities in Upper and Lower Canada the proceeds of the lands within their limits, and the injustice and impracticability of such a proposition must be apparent to all. If he (Mr. T.) had felt surprised in the first place at the nature of the proposition of the hon. member, that feeling was increased by his avowal that he had no hope of success. This naturally gave rise to the inquiry as to what induced the hon. member to take the course, and his (Mr. T.'s) opinion was that it could only be for the purpose of making township capital, or to place certain township members in a false position which might be viewed as adverse to township interests. He (Mr. T.) believed it was the latter, and the more so from seeing in the local Sherbrooke paper, a letter from its Quebec correspondent, and an editorial article thereupon, (possibly written by the same person) in which were found some remarks on the conduct of certain Township members. Now, he (Mr. T.) would not for a moment suppose that the hon. member was the author of those articles, but Township members were accused of sacrificing the interests of their localities in allowing local funds to be applied to the Seigniorial redemption, and in not claiming the entire proceeds of the Clergy Lands. As to the first no local funds were so applied, and a reference to the journals of 1853 would show that the identical revenues [were] proposed to be taken for the same purpose and voted for by those who now see a monstrous wrong therein, but at that time neither editor nor correspondent complained. He (Mr. T.) considered the special claim of the Townships to the Clergy Reserves unfounded, and would vote against it with confidence, knowing as he did that the Townships desired a settlement on higher grounds than the mere hope to share in the booty.²⁴⁷

(327)

Mr. Galt moved, seconded by Mr. Whitney, and the Question being put, That the Bill be recommitted to a Committee of the whole House, for the purpose of amending the same, by adding the words "Provided always, that in the case of Lower Canada, the Municipalities entitled to share in such distribution, be

(328)

those within the limits of which lands have been set aside for the support and maintenance of a Protestant Clergy" at the end of the 5th Clause; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Galt, Rhodes, Somerville, and Whitney.--(4.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bowes, Brodeur, Brown, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Cook, Crawford, Jean B. Daoust, DeLong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Egan, Octave C. Fortier, Fournier, Gamble, Gould, Hincks, Holton, Jackson,

Laporte, Larwill, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, Sir A.N. McNab, McGinn, Matheson, Macdonald, Morin, Angus Morrison, Munro, Niles, O'Farrell, Papin, Patrick, Truller, Truett, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Southwick, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, and Valois.--(64.)

So it passed in the Negative.

Ordered, That the Bill be read the third time on Friday next.

A Bill to incorporate the Canada Ocean Steam Navigation Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holton do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to declare valid a certain Survey of part of the Town of Cornwall, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Roderick McDonald do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Town of Whitby, and to define the limits thereof, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hartman do carry the Bill to the Legislative Council, and desire their concurrence.

Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by Mr. Solicitor General Smith,

The House adjourned. 248

[NOTICE OF MOTION RE: TO READ AND TO CONSIDER CUSTOMS' DUTIES ACTS
IN COMMITTEE.]

MR. INSP. GEN. CAYLEY [gave notice that] on Friday next [he would move] that the several Acts regulating the Duties of Customs be read; and that the House do resolve itself in[to] a Committee to consider said Acts, and of making Amendments therein in accordance with Resolutions which he will move in the said Committee.²⁵⁰

[NOTICE OF QUESTION RE: DATE SUPPLIES TO BE TABLED.]

MR. MACKENZIE [gave notice that] to-morrow [he would make an] enquiry of Ministry, when the Estimates for a supply for carrying on the Government for the fiscal year commencing February 1st, 1854, may be expected to be laid before the House.²⁵¹

[NOTICE OF QUESTION RE: RELIEF FOR SETTLERS IN ONEIDA AND TUSCARORA.]

MR. MACKENZIE [gave notice that] to-morrow [he would make an] enquiry of Ministry, whether the Government intend to propose any measure of relief to the settlers in Oneida and Tuscarora, whose complaints were embodied in the Petition of Sir Allan Napier Macnab and 3000 others, to His Excellency in Council.²⁵²

[NOTICE OF QUESTION RE: GRAND RIVER NAVIGATION.]

MR. MACKENZIE [gave notice that] to-morrow [he would make an] enquiry of Ministry, whether the Government intend to bring forward any measure for the improvement of the Grand River Navigation, or for aiding that Navigation to, and incorporating it with, the Welland Canal, under control of the Board of Works, and rendering it efficient.²⁵³

[NOTICE OF QUESTION RE: ELECTORAL LEGISLATIVE COUNCIL DISTRICTS.]

MR. MACKENZIE [gave notice that] to-morrow [he would make an] enquiry of Ministry, whether the Government intend to abide by the Electoral Legislative Council Districts, not based upon population, which the late Administration sent to the Colonial Office, 31st December last; or if not, when the Legislative Council Bill now before the House will be rendered complete as a measure, by a Schedule of the sixty Electoral Districts.²⁵⁴

FOOTNOTES: 15 NOVEMBER 1854.

1. GLOBE, 24 November 1854 (in Scrapbook Hansard).
2. GLOBE, 24 November 1854 (in Scrapbook Hansard), notes: "A somewhat animated discussion took place on this motion, on the propriety of giving Mr. Lefrançois, compensation for having been brought to the bar of the last Parliament for some alleged offence, and then dismissed without any decision being given in his case."
3. Telegraph (PILOT, 17 November 1854), which also notes that this letter was read just before the Report on the Clergy Reserves was taken up.
4. MORNING CHRONICLE, 18 November 1854.
5. MACKENZIE'S WEEKLY MESSAGE, 24 November 1854, notes that the Clergy Reserve's question was debated at 4:00 P.M.
6. GLOBE, 24 November 1854 (in Scrapbook Hansard).
7. IBID.
8. IBID.
9. MORNING CHRONICLE, 18 November 1854.
10. GLOBE, 24 November 1854 (in Scrapbook Hansard).
11. MORNING CHRONICLE, 18 November 1854.
12. TORONTO DAILY LEADER, 24 November 1854.
13. GLOBE, 24 November 1854 (in Scrapbook Hansard).
14. IBID.
15. IBID.
16. TORONTO DAILY LEADER, 24 November 1854.
17. GLOBE, 24 November 1854 (in Scrapbook Hansard).
18. MORNING CHRONICLE, 18 November 1854.
19. GLOBE, 24 November 1854 (in Scrapbook Hansard).
20. IBID.
21. IBID.
22. TORONTO DAILY LEADER, 24 November 1854.
23. GLOBE, 24 November 1854 (in Scrapbook Hansard).
24. TORONTO DAILY LEADER, 24 November 1854.
25. GLOBE, 24 November 1854 (in Scrapbook Hansard).
26. TORONTO DAILY LEADER, 24 November 1854.
27. GLOBE, 24 November 1854 (in Scrapbook Hansard).
28. MORNING CHRONICLE, 18 November 1854.
29. GLOBE, 24 November 1854 (in Scrapbook Hansard).
30. TORONTO DAILY LEADER, 24 November 1854.
31. GLOBE, 24 November 1854 (in Scrapbook Hansard).
32. IBID.
33. IBID.
34. MORNING CHRONICLE, 18 November 1854.
35. GLOBE, 24 November 1854 (in Scrapbook Hansard).
36. MORNING CHRONICLE, 18 November 1854.
37. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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42. MORNING CHRONICLE, 18 November 1854.
43. GLOBE, 24 November 1854 (in Scrapbook Hansard).
44. MORNING CHRONICLE, 18 November 1854.
45. TORONTO DAILY LEADER, 24 November 1854.

46. MORNING CHRONICLE, 18 November 1854.
47. GLOBE, 24 November 1854 (in Scrapbook Hansard).
48. MORNING CHRONICLE, 18 November 1854.
49. GLOBE, 24 November 1854 (in Scrapbook Hansard).
50. IBID.
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57. IBID.
58. TORONTO DAILY LEADER, 24 November 1854.
59. GLOBE, 24 November 1854 (in Scrapbook Hansard).
60. IBID.
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62. MORNING CHRONICLE, 18 November 1854.
63. GLOBE, 24 November 1854 (in Scrapbook Hansard).
64. MORNING CHRONICLE, 18 November 1854.
65. IBID.
66. GLOBE, 24 November 1854 (in Scrapbook Hansard).
67. MORNING CHRONICLE, 18 November 1854.
68. TORONTO DAILY LEADER, 24 November 1854.
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70. TORONTO DAILY LEADER, 24 November 1854.
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74. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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93. IBID.
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96. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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98. GLOBE, 24 November 1854 (in Scrapbook Hansard).

99. MORNING CHRONICLE, 18 November 1854.
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101. TORONTO DAILY LEADER, 24 November 1854.
102. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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106. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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116. MORNING CHRONICLE, 18 November 1854.
117. GLOBE, 24 November 1854 (in Scrapbook Hansard).
118. IBID.
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121. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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126. IBID.
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128. MORNING CHRONICLE, 20 November 1854.
129. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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156. IBID.
157. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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161. TORONTO DAILY LEADER, 24 November 1854.
162. MORNING CHRONICLE, 20 November 1854.
163. IBID.
164. TORONTO DAILY LEADER, 24 November 1854.
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169. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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172. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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174. MORNING CHRONICLE, 20 November 1854.
175. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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182. MORNING CHRONICLE, 20 November 1854.
183. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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185. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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187. MORNING CHRONICLE, 20 November 1854.
188. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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191. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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196. MORNING CHRONICLE, 20 November 1854.
197. IBID.
198. IBID.
199. GLOBE, 24 November 1854 (in Scrapbook Hansard).
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201. GLOBE, 24 November 1854 (in Scrapbook Hansard).
202. MORNING CHRONICLE, 20 November 1854.
203. GLOBE, 24 November 1854 (in Scrapbook Hansard).
204. TORONTO DAILY LEADER, 24 November 1854.
205. MORNING CHRONICLE, 20 November 1854.
206. TORONTO DAILY LEADER, 24 November 1854.
207. GLOBE, 24 November 1854 (in Scrapbook Hansard).
208. IBID.

209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. TORONTO DAILY LEADER, 24 November 1854.
214. GLOBE, 24 November 1854 (in Scrapbook Hansard).
215. IBID.
216. MORNING CHRONICLE, 20 November 1854.
217. GLOBE, 24 November 1854 (in Scrapbook Hansard).
218. TORONTO DAILY LEADER, 24 November 1854.
219. GLOBE, 24 November 1854 (in Scrapbook Hansard).
220. TORONTO DAILY LEADER, 24 November 1854.
221. GLOBE, 24 November 1854 (in Scrapbook Hansard).
222. IBID.
223. IBID.
224. IBID.
225. IBID.
226. IBID.
227. MACKENZIE'S WEEKLY MESSAGE, 24 November 1854.
228. GLOBE, 24 November 1854 (in Scrapbook Hansard).
229. IBID.
230. IBID.
231. MACKENZIE'S WEEKLY MESSAGE, 24 November 1854.
232. GLOBE, 24 November 1854 (in Scrapbook Hansard). Mr. Mackenzie in MACKENZIE'S WEEKLY MESSAGE, 24 November 1854, notes that Mr. Sol. Gen. H. Smith "sat close to Spence, Macnab, Macdonald of Kingston, and Cayley, and after consulting them rose again and INSISTED that my name be expunged from the journal, and it was expunged! Hincks said nothing, he merely laughed".
233. GLOBE, 24 November 1854 (in Scrapbook Hansard).
234. IBID.
235. TORONTO DAILY LEADER, 24 November 1854.
236. GLOBE, 24 November 1854 (in Scrapbook Hansard).
237. IBID.
238. IBID.
239. Mr. Mackenzie in MACKENZIE'S WEEKLY MESSAGE, 24 November 1854, states that Mr. Brown made this motion and he seconded it. All other newspaper accounts agree with the JOURNALS.
240. GLOBE, 24 November 1854 (in Scrapbook Hansard).
241. IBID.
242. IBID.
243. IBID.
244. IBID.
245. IBID.
246. MORNING CHRONICLE, 20 November 1854.
247. IBID.
248. Telegraph (PILOT, 17 November 1854), notes that the House adjourned at 1:30 A.M.
249. MACKENZIE'S WEEKLY MESSAGE, 24 November 1854, notes that all these notices were given on Tuesday, 15 November. As this is the only account of these notices, it cannot be confirmed if they were given on Tuesday, 14 November, or Wednesday, 15 November.
250. MACKENZIE'S WEEKLY MESSAGE, 24 November 1854.
251. IBID.
252. IBID.
253. IBID.
254. IBID.

THURSDAY, 16 NOVEMBER 1854.

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MR. SPEAKER communicated to the House, the following Letter and accompanying Statement:--

Quebec, 16th November, 1854.

Sir,--We have the honor to transmit herewith for the information of the Honorable the Legislative Assembly, a Statement connected with the final settlement of the Insurance of certain property belonging to the two Houses of Parliament, which were destroyed by fire on the first day of February last.

We have the honor to remain, Sir,

Your most obedient and humble Servants,

J.F. Taylor, Clerk, Leg. Council.

W.B. Lindsay, Clerk, Assembly.

To the Honorable Louis V. Sicotte

Speaker of the Legislative Assembly.

Statement exhibiting the manner in which the Insurance upon the Library, (Ten thousand pounds,) and Furniture, (Eight thousand pounds,) belonging to the two Houses of Parliament which were destroyed by fire on the first day of February last, has been finally settled by their Clerks, in whose joint names the same was effected.

FURNITURE.	£	s.	d.	£	s.	d.
Value at the time of Fire, as per Inventory of Messieurs <u>Druin</u> and <u>Benoit</u> :--						
In the Legislative Council.....	5451	0	0			
In the Legislative Assembly.....	3791	15	0			
* Chandeliers and Burners, per Statement of <u>Thomas Andrews</u>	1213	10	0			
* Glass Globes, per do	71	12	11			
				6851	15	0
Deduct--** Contents of Room, No. 40.....	198	19	0			
Mace and box.....	500	0	0			
A pair of Globes.....	50	0	0			
Furniture saved, per Inventory...	1922	15	0			
Lamps do do ...	80	0	0			
Glass Globes do do ...	15	12	0			
				6817	15	0
				6813	15	0
Add--Estimated damage on Furniture saved....				300	15	0
				7113	15	0
Applied over.....						

*These items the Insurers did not wish to regard as being included in the Policies under the general term "Furniture," but the Insured having strenuously claimed the Insurance of them under that particular head, the point at issue was, after very much trouble and delay, conceded in favor of the Clerks of the two Houses, and the full amount embraced by those items has therefore been allowed in the settlement.

***The Property contained in this Room belonged to Mr. Michael Keating, the House Keeper, and although included in the appraisal of Messrs. Drum and Benoit, the claim has been excluded by the Insurers, on account of its not appearing in the Policies that the Furniture in Room No. 40, was his own private property.*

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	£	s.	d.	£	s.	d.
<i>Brought over</i>				6115	12	7
<i>LIBRARY.</i>						
<i>Value at the time of the Fire</i>	11235	19	0			
<i>Value of Books saved</i>	6017	13	0			
				5706	6	0
<i>Expense incurred for collecting,</i>			£	11819	18	7
<i>arranging, &c.</i>				100	0	0
<i>Total Amount Payable</i>			£	11919	18	7
<i>Paid into the hands of the Receiver General,</i>						
<i>Messieurs Forsyth, Bell and Company's</i>						
<i>Note, at 10 days' date, from 11th</i>						
<i>November, 1854, for</i>	4037	9	11			
<i>Paid into the hands of the Receiver General,</i>						
<i>Messieurs Pemberton Brothers' Note, at</i>						
<i>10 days' date, from 11th November, 1854,</i>						
<i>for</i>	3941	4	4			
<i>Paid into the hands of the Receiver General,</i>						
<i>a Check from the Treasurer of the Quebec</i>						
<i>Fire Insurance Company upon the Quebec</i>						
<i>Bank, for</i>	3941	4	4			
				11919	18	7

(Attest,)

J.F. Taylor, Clerk, Leg. Council.

W.B. Lindsay, Clerk, Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Charles Daoust,--The Petition of the Reverend J.O. Archaubault and others, School Commissioners of the Parish of St. Timothée, County of Beauharnois.

By Mr. Laberge,--The Petition of Eugene Philippe Dorion, of the City of Quebec.

By the Honorable Mr. Young,--Two Petitions of the Montreal Board of Trade.

By Mr. Holton,--Two Petitions of the Montreal Board of Trade.

By Mr. Thomas Fortier,--The Petition of F. Brunelle and others, of the Parish of St. Edouard de Gentilly.

By Mr. Whitney,--The Petition of W. Nelson, Esquire, and others, the Committee and friends of the Montreal House and School of Industry.

By Mr. Loranger,--The Petition of the Reverend C.L. Vinet and others, of the Parish of St. Constant, District of Montreal.

By Mr. Freeman,--The Petition of Charles Magill, Esquire, and others, Mayors and Wardens of Municipalities of Upper Canada, and Municipal Directors of the Great Western Railway Company.

By the Honorable Mr. Chabot,--The Petition of the Reverend J. Auclair and others, of the City of Quebec.

By Mr. Cauchon,--The Petition of W. Lemoine, Esquire, and others, of St. Féréol and the adjoining Parishes, County of Montmorency.

By Mr. Wilson,--Two Petitions of Pioneer Division, No. 58, of the Order of the Sons of Temperance; and the Petition of Henry Chutler and others, of Upper Canada, Practitioners of Medicine, Surgery, and Midwifery.

By Mr. Antoine Aimé Dorion,--The Petition of the Montreal Board of Trade.

Pursuant to the Order of the day, the following Petitions were read:--

Of J.O. Leduc and others, of the County of Chambly; praying that the Seat of the said County may be established at St. Bruno.

Of the Reverend William Mair and others, Municipal Electors of the recent

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County of Two Mountains; praying that no Legislative action may be had respecting certain By-Laws of the Council of the said County subscribing for Fifty thousand pounds of Stock in the Montreal and Bytown Railway Company, until Judgment is rendered by the Superior Court at Montreal in an action now pending relative to the said By-Laws.

Of Sydney Bellingham, of the City of Montreal, Esquire; setting forth: That the Petitioner was duly elected, and is now a Member of the Provincial Parliament for the County of Argenteuil: That a Petition against the Election of the Petitioner has been presented to the House by Robert Simpson, Esquire, and was referred by the House to the General Committee of Elections to choose a Select Committee for the trial of the matter of the said Petition: That by the Statute which regulates the proceedings of the House, it is enacted "that before any Election Petition shall be presented to the House, a Recognizance shall be entered into, in the sum of Two hundred pounds, for the payment of all costs and expenses which shall become payable by the Petitioner to any witness in his behalf, or to the Sitting Member, or [the] other ... party complained of in such Petition, or to any party who may be admitted to defend such Petition, or to any Commissioner, Clerk, Bailiff, or other Officer employed in or about, or in any way relating to the execution of any Commission which may be issued in relation to such Petition:" That no such Recognizance as required by the said Statute was entered into by any person or persons; but on the contrary, a certain informal Recognizance, which omitted to provide security for the payment of costs and expenses which shall become payable by the said Robert Simpson to any witness or witnesses to be summoned in behalf of the said Robert Simpson, was entered into by one Edward Jones, and was improperly and by error certified by the Honorable the Speaker of the House, and that thereby the said Election Petition was presented to the House contrary to the express provisions of the aforesaid Statute; and praying that the House will not allow the matter of the said Petition to be tried, and will not allow the Committee to be sworn therefor.

Of the Reverend M. Lalor and others, Catholics, of the Diocese of Kingston; praying the establishment of Separate Schools in Upper Canada, and that they may share in the proceeds of the Clergy Reserves.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying for the adoption of measures to encourage and increase the number of County Grammar Schools.

Of the Montreal and New York Railroad Company; representing that the Bill now before the House relating to the Grand Trunk Railway Company gives to that Company the right to construct a Branch Road along Craig Street and the lower part of St. Mary Street, to the Current St. Mary, in the City of Montreal, which said right is already vested in Petitioners, being on their map or plan; and praying that the said provision be not passed without the consent of Petitioners.

Of the Honorable L.M. Viger and others, Proprietors of Seigniories in Lower Canada; praying that the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, may not pass into law, unless the same be amended, by providing a full indemnity to Petitioners for all property or rights taken away or abridged.

Of John Boston, Esquire, Sheriff of the District of Montreal; praying that his rights as owner of the Fiefs and Seigniories of Thwaite and St. James, held à titre de franc aleu noble, may not be interfered with by any measure which may be passed relating to the Seigniorial Tenure in Lower Canada.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph

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Lines, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act to authorize the construction of a Railway from Galt to Guelph, and have made several amendments thereto, which they have the honor to submit for the consideration of Your Honorable House.

Ordered, That the Bill to amend the Act to authorize the construction of a Railway from Galt to Guelph, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Mr. Fergusson, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Bills, and have agreed to certain amendments to each of them respectively, which they have the honor to submit for the consideration of Your Honorable House, viz:

Bill to incorporate the Megantic Mining Company:

Bill to incorporate the Quebec and St. Francis Mining and Exploring Company:

Bill to amend the Charter and to increase the Capital Stock of the Bank of Montreal:

Bill to incorporate the Montreal Ocean Steam Ship Company.

On motion of MR. HOLTON,¹

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Ordered, That the Bill to incorporate the Montreal Ocean Steam Ship Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

On motion of MR. HOLTON,²

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Ordered, That the Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal, as reported from the Standing Committee on Miscellaneous

Private Bills, be committed to a Committee of the whole House, for Monday next, and be then the first Order of the day.

On motion of MR. TERRILL,³

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Ordered, That the 71st Rule of this House be suspended as regards the Bill to incorporate the Saint Francis Bank.

Ordered, That the Petition of the Congregational Church in the Town of London, be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the Order of the day for the second reading of the Bill to amend the Act to incorporate the Vaudreuil Railway Company, be postponed until Monday next.

Ordered, That the Petition of the Reverend William Mair and others, Municipal Electors of the recent County of Two Mountains, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the said Petition be printed for the use of the Members of this House.

Ordered, That that part of the Report of the Post Master General for the year ending 31st March last, which relates to the Receipt and Expenditure of Public Money, be referred to the Standing Committee on Public Accounts.

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Ordered, That the Petition of John Maguire, of the City of Quebec, Police Magistrate, and the Petition of the honorable H.M. Viger and others, Proprietors of Seigniories in Lower Canada, be printed for the use of the Members of this House.

Ordered, That the Orders of the day be now read.

And the Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the call of the House on Friday the twenty-seventh day of October last, being read;

On motion of MR. COM. CR. LANDS MORIN,⁴

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Ordered, That the said Order of the day be postponed until Thursday the seventh day of December next.

Mr. Terrill, from the Committee to take into consideration certain Resolutions concerning the Indemnity to be granted to Seigniors in Lower Canada, reported several Resolutions; which were read, as follow.--⁵

1. Resolved, That it is expedient to make Legislative provisions to define and limit Seigniorial Rights in Lower Canada according to the Ancient Law of the Country, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture.

2. Resolved, That in order to carry out such provisions, it will be expedient to appoint Commissioners for the purpose of ascertaining the sums to be paid by the Censitaire to the Seignior, as the fair price of such redemption, and that the expenses to be thereby incurred should be defrayed by the Province.

3. Resolved, That it is expedient that the claim of certain Seigniors to rights not recognized by the Ancient laws of Lower Canada, but touching which conflicting opinions have been held, chiefly in consequence of certain powers vested in the Governors and the Intendants under the French Government not

having been transferred to the tribunals thereafter established, should be brought to the test of Judicial decision by the highest Court of Civil Jurisdiction in Lower Canada, and that no indemnity should be paid to the Seigniors for the abolition of any right with regard to which such decision shall be against them; but that if such decision be in favor of the Seigniors with regard to their claim to any such right, they should then be indemnified by the Province for the actual loss sustained by them from the abolition of such rights, as well as from the abolition of such other rights regarding the legality of which no doubts exist, but which it may be deemed expedient for the public welfare to deprive them of in future.

4. Resolved, That it is expedient that the sums required to pay the said expenses and indemnity, be chargeable on the Consolidated Revenue Fund, with power to the Governor in Council to raise the whole or any part of such sums by Debentures, if he shall find it expedient so to do, but that separate accounts be kept of the monies coming into the said Consolidated Revenue Fund from the several sources of Revenue hereinafter mentioned; and that if the sums payable out of the Consolidated Revenue Fund for the purposes aforesaid exceed the amount arising from the several sources of Revenue mentioned in the next following Resolution, it will, in the opinion of this House, be expedient to appropriate a sum equal to such excess, for some local purpose or purposes in Upper Canada.

5. Resolved, That the following shall be the sources of Revenue referred to in the next preceding Resolution; that is to say: The Quint and other dues which are now or hereafter shall become payable to the Crown in or upon the Seigniories in Lower Canada, of which the Crown is the Seignior Dominant, as well as from all arrears of such dues; the Revenues of the Seignior of Lauson, and the proceeds of the sale of any part of the said Seignior which may hereafter be sold, and all arrears of such Revenues; all monies arising in Lower Canada from Licenses to sell spirituous, vinous, or fermented Liquors, by

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retail, in places other than places of Public Entertainment, commonly called Shop or Store Licenses; all monies arising in Lower Canada from Auction Duties and Auctioneers' Licenses; and all such monies as may be obtained from Tavern Licenses in Lower Canada, after the present charges on that fund shall have been liquidated, except, however, such portion of such fund as shall be levied in the Townships; and all such monies as shall be derived from the sale of unconceded Seigniorial Lands reunited to the Crown Domain and not regranted to the Seigniors, in compensation for their rights therein.

6. Resolved, That no more than One hundred and fifty thousand pounds Currency, should be appropriated for the above-mentioned purposes, over and above the amount arising from the several sources of Revenue mentioned in the last foregoing Resolution.

The first Resolution, being read a second time, was agreed to.

The second Resolution being read a second time;

MR. MACKENZIE moved in amendment thereunto, that all the words after "That" be left out, and the words "It is inexpedient and unjust to the tax-payers of Canada to appropriate any portion of the Territorial revenues of this Province to the payment of the indemnity to be awarded to the Seigniors of Lower Canada, inasmuch as the proposed Legislation under the Bill as now framed, is of local interest only, and such indemnity should be paid by the parties immediately benefitted (sic) thereby," added instead thereof. In moving the above amendment, Mr. Mackenzie stated that it was not at all original, having been copied

word for word from the resolution moved last year by Mr. Macdonald (Kingston), now the Attorney General West. (Hear, hear and laughter.)⁶

MR. INSP. GEN. CAYLEY denied that the people of Upper Canada would have to pay one single shilling towards this compensation, for he contended that Upper Canada, in the duties which had been set apart for local purposes, received a full equivalent for what it was proposed should be taken out of the Consolidated Revenue Fund. They were to take from Lower Canada, for the payment of the indemnity, certain auction duties, tavern licences, &c., which in Upper Canada were already appropriated for Upper Canada purposes, while the similar funds in Lower Canada were to be appropriated for Lower Canada purposes. He contended, therefore, that there was not a demand on Upper Canada for one single shilling to go towards paying the indemnity.⁷

MR. MACKENZIE.--I will vote for the Bill if that can be proved.⁸

MR. INSP. GEN. CAYLEY repeated his assertion, and stated further that, if the special duties set apart were not sufficient, and if it should be necessary to take an additional amount from the public chest not exceeding £150,000, an equivalent for that would be given to Upper Canada. There was no demand, therefore, on Upper Canada to pay any amount whatever for the settlement of this Lower Canadian question.⁹

MR. BROWN said he was really very much astonished to hear what had fallen from the Inspector General, inasmuch as it was precisely the opposite of what was argued in the last Parliament by his hon. colleague who now sat beside him (Attorney General Macdonald.) He would like the Inspector General to state what Upper Canada offset there was for the quint and other dues payable to the Crown on the Lower Canada Seigniories of which the Crown is the Seigneur dominant? And what Upper Canada offset was there for the profits from the Seignior of Lauzon? The Inspector General might now have got the light which the late Administration had, and might contend that those were Lower Canadian funds, but the present Attorney General West did not so contend in the last Parliament, as his speeches and the resolutions he moved would shew. (Hear, hear.) The hon. gentleman then held distinctly that these properties belong to the Province, and not to Lower Canada specially. (Hear, hear.) And in regard to the £150,000 proposed to be taken directly from the public chest, the Inspector General stated that an equivalent would be given to Upper Canada. That was not the argument of the hon. Attorney General last session, but the argument which he showed conclusively to be false and deceptive. The hon. gentleman (Mr. Macdonald of Kingston.) took up the ground that to give £100,000 to Upper Canada, for £100,000 paid for the settlement of the Seigniorial question, would be no offset at all, because, as he shewed, this was not a question between one Province and the other, but between certain portions of the people and other portions--between the people in the Seigniories on the one hand, and all the rest of Canada on the other, the Townships included. (Hear, hear.) It would be no satisfaction to the people in the Townships that Upper Canada was to get some equivalent. The Inspector General said that an equal sum would be given to Upper Canada for local purposes, but what security was there even for this? When the question came up in another Parliament, any such arrangement might be completely upset. He did not think the hon. gentleman took the correct view, and certainly not the view taken by his colleagues in last Parliament.¹⁰

MR. AT. GEN. J.A. MACDONALD dissented from this statement.¹¹

MR. BROWN, to prove his assertion, read from the resolution moved last year by Mr. Macdonald. The hon. gentleman stated in his resolution that "it is inexpedient and unjust to the tax-payers of Canada to appropriate any portion of the Territorial Revenues of this Province to the payment of the indemnity to be awarded to the Seigniors of Lower Canada, inasmuch as the proposed Legislation under the Bill as now framed, is of local interest only, and such indemnity should be paid by the parties immediately benefitted (sic) thereby." (Hear, hear.) The hon. gentleman inserted the words "as now framed," at his (Mr. Brown's) suggestion. He told him that he would not vote for his resolution, unless those words were inserted, because, if the Tenure was to be abolished altogether, he was willing to vote a reasonable sum towards it from the public chest. But the hon. gentleman, not content with that, went a step further and moved a resolution affirming that "the proposition to pledge the consolidated Revenue fund for the payment of the said indemnity, and thereby to increase the Provincial debt and taxation to an unknown and unlimited amount, is improper, unprecedented, and dangerous; that it deprives this House of the necessary check over the public expenditure, and the public burthen; and that this House will fail in its duty to the people of Canada, if it assents to any such proposition." (Hear, hear.) Not content even with that, the hon. gentleman went still further, and moved that "it is inexpedient and unjust to the people of Canada to charge the consolidated Revenue fund of the whole Province with the payment of any portion of the said indemnity to Seigniors, and that such indemnity should be paid by that section of the Province immediately benefitted (sic) by the proposed measure." He there affirmed that, no matter how the Bill was framed, the indemnity should be paid by that section of the Province immediately benefitted (sic), which went so far that even he (Mr. Brown) could not vote for it. (Hear, hear.) The hon. gentleman maintained then that to pledge the House to an unknown sum for the payment of an indemnity was improper, unprecedented, and dangerous. Was it not equally so now? Did not the present resolutions pledge the House to an unknown sum? The hon. gentleman says no--the cash over and above the lands, &c., is limited to £150,000, but this is evidently a delusion. The whole thing was remitted to certain Commissioners. If their decision was appealed against, it would go to the Supreme Court, and the amount awarded by the Court was to be paid from the public chest. It was therefore a mere delusion to say that the amount would not exceed £150,000 over and above the special funds; for supposing the verdict of the Court should reach £300,000 over and above the special funds, would the country not have to pay it? Could they compound with the Seigniors and pay them ten shillings in the pound for what the Court decided was the value of their rights? It was perfectly clear that the third resolution admitted the principle that there should be given to the Seigniors whatever the Court might award them, and having once admitted that principle, it was a mere piece of deception to profess to limit the amount. (Hear, hear.) It was evident they would be bound in honour and in law to pay the Seigniors every sixpence the Court may award them. (Hear, hear.) He should vote for the amendment of the hon. member for Haldimand. He voted for it last year, when he followed the leadership of the Att'y. Gen. but he could see no reason why, like the Att'y. General he should change his position now. On the contrary there were reasons why the Bill now more loudly called for opposition than then; the burden to the Province having been greatly increased by reducing the rents to one half of what was stated in the former Bill, the difference being chargeable on the public chest; the public burden was also increased in this Bill by the abolition of the right of banality.¹²

MR. INSP. GEN. CAYLEY denied that the proposed change could be looked at in the light of a tax upon Upper Canada, seeing that Upper Canada was to get for local purposes an equal amount to that which may be taken out of the Consolidated Revenue Fund to be paid to Seigniors.¹³

MR. A. DORION of Montreal said that when, on a former occasion, he submitted a motion for merging the Clergy Reserves into the consolidated fund, so as to make no distinction between the two sections of the Province, he was told by a number of Lower Canadian representatives, that they would vote against his motion, because Lower Canada was to get an equivalent for passing the Clergy Reserve measure, in Upper Canada contributing her share to the Seigniorial indemnity. That was stated repeatedly by the hon. members for Maskinongé and Portneuf.¹⁴ But now the Hon. Inspector General stated that Upper Canada¹⁵ was not to contribute one sixpence towards the redemption of the Seigniorial Tenure.¹⁶ --the Government were legislating for local purposes¹⁷. They had the explicit declaration of the hon. Inspector General to that, and he would like to know how the two statements could possibly be reconciled. (Hear, hear.)¹⁸ If this was to continue he should share the doubts of the hon. member for Renfrew as expressed by him a few nights since, in reference to the stability of the union.¹⁹

MR. AT. GEN. J.A. MACDONALD said that last night his hon. friend from Lambton was defeated, horse, foot, and dragoon, and he now attempted to take up with much diminished force and much diminished spirit another position to-night. Like another Menschikoff, however, he believed he would be driven from that also, and find no resting place in his flight between Perekop and Sebastopol. He was now assailed with those resolutions which he (the Attorney General) proposed last session. The position of the Government on this question was assailed from two sides. They were assailed by the hon. member for Lambton from the one side, and by the hon. member from Montreal from the other. The hon. member for Lambton said that this was merely a local question, and that he (the Attorney General) said so last year, and that the people of Upper Canada should not pay a farthing towards it. The hon. member for Montreal, on the other hand, got up and said it was no local question at all, and that the expenses should be borne by the whole Province, and assailed the Government scheme because the Inspector General said that Upper Canada would not have to contribute a share. There was a mighty difference of opinion between the two hon. members, but there was always a wonderful unanimity in vote. The hon. member for Lambton and the hon. member for Montreal very seldom agreed in opinion, but they always agreed in vote, except when a Masson College Incorporation or something of that sort came up. The two hon. members had not one opinion in common, except that they would much rather be sitting on the treasury benches than where they were. Talk about unholy alliances! A more inconsistent alliance he had never seen than that between the member for Montreal and the member for Lambton. It was quite clear that one or other of the hon. members must be wrong. He (the Attorney General) was inclined to believe that the member for Lambton was wrong, and the member for Montreal right. He agreed with the member for Montreal that, under the present bill and the present resolutions, Upper Canada would not be called upon to pay one shilling. (Ironical cries of hear, hear.) He believed the special funds would be quite sufficient to furnish all the indemnity that would be required. He believed there would turn out to have been no necessity for the provision in those resolutions that any deficiency should be charged upon the Consolidated Revenue. At the same time they should remember that the exact amount was necessarily an uncertainty, and that they could only approximate it

by fixing that in no case should it exceed £150,000 beyond the special funds. That would represent an amount altogether of about £400,000, which he thought was the very outside figure that could by any possibility be the charge for indemnity to the Seigniors. Now he would ask any member from Upper Canada whether he did not believe that the continuance of the Seigniorial Tenure was an injury to all Canada, and that it would be for the benefit of all Canada that the Seigniorial Tenure should be removed, and, if so, he would ask hon. gentlemen from Upper Canada whether they were not willing to contribute as a whole to remove this evil which pressed upon a great portion of the people of Canada. At the time he was in opposition and drew up those resolutions, with the assistance of the hon. member for Lambton, all the sections of the opposition agreed on one thing, that the existence of the Seigniorial Tenure was an evil which the whole of the people of Canada were interested in removing. They, the representatives of Upper Canada, believed that if a measure were introduced, removing either the Seigniorial Tenure, or the evils arising from it, they would be justified in pledging themselves to assist in compensating the parties who might be injured for the general benefit, by voting a contribution out of the public purse. The great reason why he and those who acted with him last year opposed the Bill introduced by his learned friend, the Attorney General East, was that they looked upon the Bill then proposed as being altogether a local measure, and as only having the effect of relieving the Censitaire, without in any way removing the evils of the Seigniorial Tenure. But he would ask whether the Bill now before the House did not remove all those evils? (Ironical cries of hear, hear.) Were not all the Seigniorial rights abolished? Was not the right of Banality removed? Was not provision made for the commutation of the lods et ventes? He would ask, if this Bill were carried, what would remain of the Seigniorial Tenure, except the annual charge of so much per acre. If it was not entirely abolished, had they not at least a decided move in the right direction? If immediate commutation were practicable, it should be effected, but there were certain objects desirable to be attained, which could only be reached by a certain number of steps, and he agreed with his hon. colleague, the Attorney General East, that absolute, immediate, and compulsory commutation was too great a stride for the practical position of this country at this moment to be taken at once. But if the majority of the people in the Seignories thought otherwise, they had it in their power to effect the commutation at once under this Bill. He considered, therefore, that the most obnoxious features of the Tenure, which prevented emigrants from settling in Lower Canada, would be at once removed, if this measure became law. If they had not immediate and compulsory commutation, which was contrary to the wishes of the great majority of the people of Lower Canada, they arrived by three consecutive steps at an approximation to the ultimate change of the Tenure into free and common soccage. In the first place they had individual cases of voluntary commutation, when any individual chose to commute. In the second place, when any individual sold his property, the very act of transference necessitated a commutation. In the third place, whenever in any Seigniorly the majority were in favour of a compulsory commutation, that commutation would be at once effected for the whole Seigniorly. They had thus as great a stride towards the complete abolition of the Tenure as could be made at present. At the time the Seigniorial Bill was first introduced by the Attorney General East, he considered it to be merely a relief of the burdens of the Censitaire, and as not at all affecting the evils of the Tenure. But he maintained, and he had attempted to prove that, under the Bill as it was now presented to the House, really all the evils of the Tenure were removed.

Everything like an uncertain right, everything like an obstruction to improvement was removed by this Bill, and he would therefore feel justified in voting the resolutions he had moved last year, the circumstances being now so much altered. (Ironical cries of hear, hear.)²⁰

MR. J.S. MACDONALD (Glengarry) said the motion now in the hands of the Speaker was a very plain one, and which was the more familiar to their ears because it was moved last session by the hon. gentleman who had made the very remarkable speech against it, to which they had just now listened. (Hear, hear.) It was attributed to the late Mr. Sullivan that, on one occasion when he made a very powerful speech in favour of the union of the provinces, and when some one congratulated him on the ability and power and logical argument of his speech, he replied--"If you had listened to a speech of mine on the other side, you would have complimented me more." (Laughter.) They were in that position to-night, in listening to the hon. gentleman who had just spoken. Last session they had heard him deliver a powerful speech on one side, and now they had heard him deliver an equally powerful speech on the other side of the question. (Hear, hear.) The hon. gentleman talked about the present bill being an improvement on that of last year. But what remarkable distinction was there between the two bills? The bill of last year maintained a rent of two pence an acre--in the bill of this year it was reduced to a penny; that was the only important distinction, and he asked, was it sufficient to justify the hon. Attorney General's change of position? The only difference was that the province would be called upon to contribute the difference between the results of a penny and two pence an acre²¹ out of the Consolidated Revenue Fund as the tavern licenses was (sic) a source of Revenue likely to be dried up by the passage of the Maine Liquor Law Bill.²² The hon. gentleman said the indemnity could not exceed £400,000. But there was no certainty of that. The Superior Courts might exceed that estimate, and saddle the province with a payment of £600,000 or perhaps more. The resolution proposed by the hon. gentleman last year precisely expressed the spirit with which the proposition to saddle the province with the payment of an unlimited sum for an incomplete measure, should be met, and in the name and behalf of Upper Canada be (sic) protested against such a charge, and should therefore give the amendment his support on the present occasion.²³

MR. WILSON said the hon. Attorney General had been very facetious, while attempting to shew that the hon. members for Lambton and Montreal differed in opinion, and that one or the other of them must be wrong. He would not follow in that argument, but he would ask whether it was worse for one of two men to be wrong by being opposed to each other, or for one man to be certainly wrong by being opposed to himself. (Hear, hear, and laughter.) Either Mr. Macdonald of Kingston on this side of the House must be wrong, or Attorney General Macdonald on the other side of the House must be wrong, for the speech delivered by the one gentleman was in direct contrariety to the speech delivered by the other hon. gentleman, and yet both gentlemen were one and the same person. (Hear, hear.) As to the question before the House, there were rights done away with in this bill, for which he thought the province ought to pay, Lower Canada having long complained of this Tenure, and Upper Canada having sympathized with that complaint. But, when he looked at this bill he found that it did not meet what was supposed to be the complaint on the one hand, or what excited the sympathy on the other.²⁴ [He] objected to the payment of the illegal excess of rent exacted by some Seigniors out of public sources.²⁵ The censitaire had no right to complain if he had to pay the very rent he agreed to pay when he purchased his land from

the man who held it before him. A person forty years ago bought a farm, on which there was a rent payable of four pence an acre. That rent he had continued to pay for forty years, but now this bill reduced his rent arbitrarily to a penny an acre,²⁶ put 3d. into his pocket, and charged the difference to²⁷ the province to compensate the seignior for the other three pence. That very much exemplified most of the cases which would arise under this bill, and he asked if there was any justice in requiring the province to pay that difference to the man, who, in buying his land, knew precisely the rent with which it would be charged.²⁸ The party who sold the land and not the public ought to pay this amount. He had no objection that the means for commuting the lods et ventes and every thing but the rent should be paid out of public sources. Some of the revenues which it was proposed to take for the indemnification of the Seigniors were improperly called local. If the revenue of the Seignior of Lauzon were put into the consolidated fund, it would be a part of the general revenue; and the fact of calling it a local revenue did not make it so.²⁹ He was willing to pay compensation for the seigniorial rights which were destroyed, but upon the condition only that the Feudal Tenure should be done away with altogether, and changed into free and common soccage, the rents payable by the censitaire being made a first charge on the farm, to be paid in ten, fifteen or twenty years, as might be agreed upon.³⁰

MR. AT. GEN. J.A. MACDONALD.--What will be the difference between a censitaire paying his rents in Lower Canada, and a man paying for his farm by instalments in Upper Canada?³¹

MR. WILSON said the Seigniorial Tenure should be entirely removed. Why should not this have been done? No one could answer the question except by saying that the habitants had demanded the rents should be reduced to a penny an acre, and the bill did this, and scarcely anything more.³²

MR. LANGTON alluded to the charge of inconsistency that had been brought against the Hon. Attorney General Macdonald, which he thought might attach likewise to himself for the part that he (Mr. L.) had taken in the measure of last year.³³ The Attorney General in replying to the honourable member for Lambton, had taken an illustration from the scene of war. Following the same illustration, he would add that sometimes, when circumstances changed, generals might have to change from one side to the other. So it was in the present case--circumstances having changed, they were fighting on a totally different ground, and it was perfectly natural that they should adopt different tactics.³⁴ It was useless to call the revenues of the Seignior of Lauzon a local revenue. Upper Canada was willing to give it for this purpose; but it ought to be called by its right name. The revenues derived from that Seignior formed a part of the territorial revenue: but when the money was wanted for the commutation of Seigniorial dues none could more properly be taken than this; for if the Seigniorial dues generally were to be got rid of the government should be willing to give up its Seigniorial dues. There was no particular reason why the revenues of the Seignior of Lauzon should be taken for this purpose, in preference to any other revenue, except that it was derived from a Seignior.³⁵ He maintained that there were many amendments in this bill, as compared with the previous one, although they might not go so far as he would wish, but which justified him in voting against the resolutions which he seconded last year.³⁶ This bill before the House differed from that of last year. As to the abolition of the banality and "lods et ventes" it was right that Upper Canada should contribute if they were abolished. For what was paid out of the Consolidated Revenues Fund an equivalent was given to Upper Canada.³⁷ He found now that those portions of the

seignorial dues were compulsorily commuted, which were most injurious to the country, and most obstructive to its progress, and he thought the whole country should in such circumstances be called upon to make compensation. But he had another reason for voting against those resolutions which he supported last year. There had been a most material change in the circumstances under which this bill came before the House. It was very well known that there were two great questions agitating the whole of Canada, the one more peculiarly interesting to Upper Canada, and the other Lower Canada--the Clergy Reserves and the Seignorial Tenure. In Upper Canada they cared very little about saving those amounts to the censitaires. In Lower Canada, on the other hand, they cared very little whether the Clergy Reserves were secularized or not. A compromise therefore was necessary on the part of each section, in order to get its favourite measure passed. The hon. member for Lambton opposed all compromises, but in this world every one, if he wished to effect any object at all, must make compromises. He was not afraid to state boldly that he was willing to make a compromise--that he was willing to purchase the support of the Lower Canadians to carry that measure of which they in Upper Canada were desirous, by supporting them in carrying the measure of which they were desirous, even though it should cost a certain amount of money. He believed the majority of the people of Upper Canada were of the same opinion. He had placed this view of the case before his constituents, and they had supported him in it almost to a man. He gave his vote now under totally different circumstances from those of last year. Now they had got those two measures side by side; last year, had they passed the Seignorial Bill, they might never have got the Clergy Reserve measure carried at all with the assistance of the Lower Canadians.³⁸

MR. AT. GEN. DRUMMOND. Some hon. gentlemen did not appear to have studied the measure before the House, for very erroneous views of it had been taken by them, but he could not be expected to rise every moment and correct them.³⁹ The Attorney General West was quite correct in saying that it was not the same bill as had been carried through the house last year, but was altered in many important features.⁴⁰ [He] believed the Lower Canadians had voted for the secularization because they believed it to be right; and that if they had not believed it to be right they would not have voted for it. It had been said that we were legislating for localities and that the Clergy Reserves fund ought to have gone into the general revenue of the Province. He was as desirous that our legislation should be general as any one else could be; but we had to deal with facts as they were--with the fact that we have two systems of laws: this was a necessity at present; and although he hoped to see the day when a Canadian code should apply to both sections of the Province, yet till then we must submit to an inevitable destiny, and have two systems. Before the conquest, a tribunal consisting of the governor and intendant existed, which prevented the Seigniors transgressing those laws on which they held the lands for concession; but this tribunal was not transferred to the new government, as the governor could not perform the united duties of the governor and the intendant. Exactions on the part of Seigniors followed; and the censitaire had no right to be compelled, in commuting, to pay for burthens illegally imposed. It had been said that the present bill altered the rate of rent which the censitaire was to pay from that of the bill of last year from two pence to one penny, without giving any reason for the change. He had given his reasons whether they were deemed sufficient or not. He had since been convinced that 1d. and not 2d. was the proper rate for the censitaire to pay.⁴¹ The hon. member for London (Mr. Wilson), ... he said, had shown that he knew nothing either about the manner in which lands were

granted in Lower Canada, or about the enactments of this bill.⁴² The hon. member for London had said that the bill did not get rid of the feudal tenure; he challenged the hon. gentleman to say what feature of feudality would remain?⁴³

MR. WILSON.--The rent charge.⁴⁴

MR. J.S. MACDONALD asked if the lods et ventes were to be abolished? (Laughter.)⁴⁵

MR. AT. GEN. DRUMMOND said the fact of such a question being asked showed how much attention the hon. member for Glengary had paid to the subject. The abolition of the lods et ventes was not only a prominent feature of this bill but also of the last bill. After this bill passed, the censitaire would pay no more mutation fines⁴⁶ [OR] commutation fees,⁴⁷ but in their place he would pay a commutation fine.⁴⁸

MR. MERRITT contended that the resolution of the honorable Attorney General, did not embrace the provisions which they professed--⁴⁹ the setting apart of those special funds was all a deception, and did not in the least save Upper Canada from bearing her full share of the indemnity.⁵⁰ There were only two points for discussion--first, the object and secondly, the mode of payment. The House was called upon to alter the tenure in Lower Canada between the landlord and tenant, a question as to which the two parties, in a pecuniary point of view, were alone interested:--If the landlord possessed certain rights which would benefit the tenant the latter should pay for those rights.--If the landlord surrendered certain rights which did not benefit the tenant, but the public generally, then public policy would justify the payment by the public. In his (Mr. M's) judgement this benefit could only be attained by abolishing the present tenure, and establishing a freehold as in Upper Canada, not immediately, but in a given time, say in ten, twenty, or thirty years.⁵¹ The people of Upper Canada⁵² [and] he would not object to the Province paying a fair compensation, if the Feudal Tenure were to be changed at once into free and common soccage, but the present bill did not effect this any more than the last.⁵³ Therefore the bill of the Attorney General east did not come under the principle of indemnification upon public grounds.⁵⁴ He objected to the measure also, that the amount which would have to be paid was not at all defined. If left to the Courts of Law, there was no telling what would be the end of it.⁵⁵--As to the mode of payment, while he agreed with the Inspector General in his former remarks, that the £1,200,000 debt of Upper Canada at the time of the union, created for public works, did not entitle Lower Canada to an equivalent, as the works themselves repaid interest on that capital, he did not concur with him in his present statement, that Upper Canada will not pay one shilling of the sum now proposed to pay the landlords of Lower Canada. All attempt at a division of the revenue heretofore had proved to be a deception.--The tavern licenses in Upper Canada, in payment of the rebellion losses, was met by the payment of a correspondent sum out of the general reserve in Lower Canada a few years after.--The payment of the administration of justice in Upper Canada from the consolidated reserves did not relieve the districts who had sustained that charge, inasmuch as a direct tax was imposed upon distilleries and paid by the grower of grain,--because a charge was imposed in Lower Canada for taking the census a similar charge was imposed in Upper Canada,--although not required.--It was quite impracticable to select those revenues from particular sources, from either Upper or Lower Canada, for instance the trifling revenue set apart from the portion paid by Lower Canada, was overbalanced by the revenues arising from public lands alone in Upper Canada--over £17,000 was raised from

the one and not £2000 from the other. It would be far better to create a public debt, borrow the money, and pay the parties out of the general revenue, than to attempt to conceal the mode of payment. As this bill appeared to him to be no improvement of that of last year, he would now, as before, support the resolution.⁵⁶

MR. MACKENZIE said that, if he had not perfect confidence in the extraordinary integrity of honorable gentlemen opposite, he would think they had done all they could to make the bill supremely ridiculous, in order to get it stopped elsewhere, as had been the case last year. The Attorney General talked about the amount of indemnity being limited, but, if referred to the Courts of Law they could not limit it, and he calculated that the Province, before all was done, would have to pay at the least some £750,000.⁵⁷ [He] could not see what advantage the people of Haldimand were to derive from the abolition of this tenure, which was not nearly so burthensome as that of the Canada Company.⁵⁸

(334)

Mr. Mackenzie moved in amendment thereunto, seconded by Mr. Frazer, That all the words after "That" to the end thereof be left out, in order to add the words "it is inexpedient and unjust to the Tax-payers of Canada to appropriate any portion of the Territorial Revenues of this Province to the payment of the Indemnity to be awarded to the Seigniors of Lower Canada, inasmuch as the proposed Legislation under the Bill as now framed, is of local interest only, and such Indemnity should be paid by the parties immediately benefitted (sic) thereby" instead thereof;--

George K. Chisholm, Esquire, Samuel Black Freeman, Esquire, James Moir Ferres (sic), Esquire, Pierre Eustache Dostaler, Esquire; Grimmon, Nicholas Hamilton Foley, Esquire, being the Select Committee appointed to enquire and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over:--And James Moir Ferres, Esquire, not appearing within one hour after four of the clock;

On motion of the Honorable Mr. Merritt, seconded by Mr. Langton,

Ordered, That the 74th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That James Moir Ferres, Esquire, Member for the County of Missisquoi, having been appointed to serve as one of the Members to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, and not having attended in his place within one hour after four of the clock this day, being the day appointed for the swearing of the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

And the Question being again proposed, That all the words after "That" to the end of the second Resolution be left out, in order to add the words "it is inexpedient and unjust to the Tax-payers of Canada to appropriate any portion of the Territorial Revenues of this Province to the payment of the Indemnity to be awarded to the Seigniors of Lower Canada, inasmuch as the proposed Legislation under the Bill as now framed, is of local interest only, and such Indemnity should be paid by the parties immediately benefitted (sic) thereby" instead thereof;--

On motion of the Honorable Mr. Merritt, seconded by Mr. Langton,

Ordered, That the 75th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

And James Moir Ferres, Esquire, not having been brought into the House within three hours after four of the clock, the swearing of the Committee to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil was adjourned until the next meeting of the House.

(335)

And the Question being put, That all the words after "That" to the end of the second Resolution be left out, in order to add the words "it is inexpedient and unjust to the Tax-payers of Canada to appropriate any portion of the Territorial Revenues of this Province to the payment of the Indemnity to be awarded to the Seigniors of Lower Canada, inasmuch as the proposed Legislation under the Bill as now framed, is of local interest only, and such Indemnity should be paid by the parties immediately benefitted (sic) thereby" instead thereof; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Fergusson, Frazer, Freeman, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Marchildon, Mattice, Merritt, Murney, Scatcherd, Wilson, and Wright.--(19.)

NAYS.

Messieurs Bellingham, Blanchet, Bonanza, Bowes, Brodeur, Bureau, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, DeLong, Desautniers, DeWitt, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gill, Guévremont, Hartman, Holton, Jobin, Laberge, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Masson, Monjeais, Morin, O'Farrell, Papin, Patrick, Poulin, Prévost, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spencer, Stevenson, Taché, Terrill, Thibodeau, Turcotte, Valois, Whitney, and Young.--(69.)

*So it passed in the Negative.*⁵⁹

MR. MACKENZIE again moved in amendment to the 2nd Resolution, to leave out all the words after "That" and to insert the words "the proposition to pledge the Consolidated Revenue Fund for the payment of the said indemnity, and thereby to increase the Provincial Debt and Taxation to an unknown and unlimited amount, is improper, unprecedented, and dangerous; that it deprives this house of the necessary check over the public expenditure, and the public burthens; and that this house will fail in its duty to the people of Canada if it assents to any such proposition," instead thereof. He said that his then worthy leader, the present Attorney General West, having persuaded him last year by that eloquence by which above all other men he was distinguished in this honourable house, to vote for the resolution he had just moved, he felt it was difficult for an old fellow like him to turn about and jump Jim Crow like some others! He should therefore still adhere to the resolution he then voted for, along with the present Attorney General West, Mr. Langton, Mr. Shaw, Mr. Crawford, and others.⁶⁰

MR. BROWN said that this motion was moved in 1853 by the honorable member for Kingston, and seconded by the honorable member for Peterborough, and he (Mr. B.) voted for it then, and intended to vote for it now. The honorable Attorney General had endeavoured to meet the charge of inconsistency by laughing at it⁶¹ which was unbecoming a gentleman in his position.⁶² He thought an honorable gentleman occupying the position he did should have treated the matter

in a different way. (Hear, hear). It was very extraordinary to see the three honorable gentlemen opposite, the Inspector General, the Attorney General West, and the honorable member for Peterborough, each giving a different reason for the course they took in common. The honorable Inspector General said he supported the scheme, because not a single sixpence of the compensation would come from Upper Canada. (Hear, hear.) The honorable Attorney General who sat beside him gave quite a different reason, and said he supported the scheme because they had now got an entire settlement of the Feudal Tenure. (Hear, hear.) That is all a mistake says the honorable member for Peterborough, who also sits beside him--"I must admit that these are Provincial funds which are to be given, and that this is not a total extinction of the Tenure, but now," says my honorable friend from Peterborough, "we are in a different position; we did not want any boon from Lower Canada in last Parliament, but we want one now. And what was bad then we will do now, because we are to get our little sop in return." (Hear, hear.) What an argument was this, that they should be guilty of deliberate wrong doing, in one case, in order to obtain what was right and proper in another? But the case was not fairly put--it had no sound foundation. Did the Clergy Reserve Bill ask anything from Lower Canada? Are not the Clergy Reserves our own funds? Are we asking permission to do anything that is improper or unjust? Are we asking a single sixpence of Lower Canada money? He could not understand the hon. gentleman's argument. The honorable Attorney General East (Mr. Drummond) had viewed the Clergy Reserve question in its right light, when he said he would vote for it on account of its own inherent justice, and honorable gentlemen from Upper Canada should deal with the Seigniorial question in the same manner. (Hear, hear.) He (Mr. Brown) had always looked upon this question as mainly a Lower Canada one, but had said that for the complete settlement of this great grievance, they might give something out of the public chest.--He objected, however, to this bill, because it was not such a settlement, and because it was unfair to the great mass of the people in making them pay for matters which should be settled entirely between the Seigniors and Censitaires themselves, because it threw nearly the whole burden on the public, and pnt (sic) money to a large amount in the pockets of people no way entitled to it. He would not detain the house with any argument on the subject, but, as the honorable Attorney General had asked him to show what his speech was when this very motion was before Parliament a year ago, he had hunted up a copy of it and would now read it.⁶³

MR. AT. GEN. J.A. MACDONALD.--From what paper?⁶⁴

MR. BROWN.--I am reading from that excellent paper, the Toronto Globe (Hear, hear, and laughter.) I find that the speeches are very much condensed, and I am very sorry that the hon. gentleman did not appear in print, in all that eloquence which has been attributed to him, and certainly he was very eloquent on that occasion and showed the wrongs done to Upper Canada in most glowing language. (Hear, hear, and laughter.) I quote frem (sic) the Report--"Mr. Macdonald of Kingston thought it very extraordinary that the people of Upper Canada and the Eastern Townships should be taxed to settle the differences between seigniors and censitaires in Lower Canada. It was as much as saying that Upper Canada should be bribed with her own money." What does the hon. Inspector General think of this, who boldly tells us that Upper Canada will not have a single six-pence (sic) to pay, and that she will receive an equivalent for the amounts taken out of the Consolidated Fnnd (sic). Here is an argument by his hon. colleague that is perfectly unanswerable, showing

that this sham equivalent of the Inspector, is neither more nor less than "bribing Upper Canada with her own money." (Hear, hear, and laughter.) The hon. member for Kingston went on to say--"The proposition was to be laughed at, and he very much questioned whether the hon. Inspector General could be serious in proposing that the House should consent to these resolutions. What in the world had the people of Upper Canada as a whole to do with this question?" (Hear, hear.) Again "they had undertaken great public works to advance the material interests of the country, and how could they go on with their undertakings with a burden of this kind upon their resources, the amount of which could not be told, which the Government themselves did not know and which they could not find out." Have they found it out yet? (Hear, hear.) "The hon. gentleman then went on to allude to the slavery question in England, which he contended was analogous to this. When it was proposed to indemnify the slave-owners for their property, the Government did not ask Parliament to pledge the revenues of the country to an unlimited extent, but the Secretary of the Colonies, Lord Stanley, came down with minute and elaborate calculations of the value of each slave, and an exact estimate of the sum required, and the Inspector General should have done the same in this case."

Has he done so yet? (Hear, hear.) No, it has not been attempted--and the Attorney General is in office, and is perfectly content without. But he proceeded: "He should have formed an estimate of the amount required for every seignior, and then come down with an exact statement of the whole sum that would be required. A finance minister in England would be laughed at if he proposed to tax the people for an unlimited amount." Will the honorable Attorney General say that the present proposal is not to tax the people to an unlimited amount? He knows that the matter is in precisely the same position as in last Parliament, with this exception, that there will be a great deal more for the province to pay. (Hear, hear.) And ought not the Inspector General to be "laughed at" for such conduct. But let us hear the member for Kingston a little further: "And then what a miserable proposition was this that was laid down in these resolutions. Two-thirds of the whole taxation of the country is paid by the people of Upper Canada, and here they talk of taking a certain amount out of the Consolidated Fund for the benefit of Lower Canada, and then remunerating Upper Canada by paying her a similar sum out of her own resources." What does the honorable Inspector General say to that? "The Government have already refused to [r]educer the customs' duties on account of the present burden arising from the public works, and yet they ask us to take on ourselves another burden the amount of which we do not know; and as far as the remuneration to Upper Canada is concerned, it just amounts to telling her to tax herself for her own benefit." And now I have a little extract for my friend from Peterboro', to show the sacrifice he is compelled to make for his new allies: "Mr. Langton said, that although the Government had found it so difficult to make an estimate, he had made one--and he found that the amount required would be at least £450,000. He would never consent to tax the people of this province to so large an amount, which was in fact quite unlimited." (Hear, hear.) The amount, if so large then, will of course be very much larger now. If £450,000 then, it will assuredly be \$3,000,000 now. (Hear, hear.) I am sure these arguments will commend themselves to a great many gentlemen in this house. I considered them so convincing and sufficient at the time, that I find in the report--"Mr. Brown did not think that anything more was necessary to be said on this subject than what had fallen from the honorable member for Kingston." (Hear, hear, and laughter.) And I voted then as I mean to vote now.⁶⁵

MR. HINCKS very much regretted that a question of so very great importance to the coun[t]ry as that now under consideration should be discussed, not apparently on its merits, but upon the mere point of whether hon. gentlemen on the Treasury benches had been perfectly consistent in all the course they had taken in regard to it. For himself he was prepared to take the same course out of the Government, as he had done when in the Government, looking upon the question as one which ... was indispensably necessary for the interests of the country,⁶⁶ if the Union of this Province was to be preserved⁶⁷; [one which] should be settled, and for the settlement of which there was scarcely any sacrifice too great to make.⁶⁸ He did not think that any paltry question about the pecuniary indemnity to the seigniors should be allowed to settle this question; but he believed that due security had been taken that no injustice should be done to Upper Canada in that respect.⁶⁹ It was perfectly understood at the time when the present administration was formed, that in taking office they undertook to settle this question on the basis proposed by the late administration, and the present Bill he considered, though there were some changes in the details, was entirely in accordance in all its essential features,⁷⁰ in as far as principle went,⁷¹ with the measure introduced by the late Government. (Hear, hear.) In fact no other measure would suit the case for it seemed to him to be utterly impossible to settle this question, unless the Province was prepared to guarantee the amount necessary to settle it. (Hear, hear.) The hon. member for London, who, he ventured to say, had given very little consideration to the question till within the last few days, came forward to say that all who had been studying the question and trying to settle it for years back, were quite astray.⁷² He (Mr. W.) had objected to the payment by the Province of the excessive cens et rentes and declared himself willing to see the lods et ventes paid out of public sources.⁷³ He was free to admit that the hon. member for London had been able to point out difficulties in the question of rents, in the case of persons who had purchased properties, knowing that they were subject to certain rentals. It was difficult to provide equitably for all those cases, but the question was this, whether there was not a deep-rooted feeling among the people of Lower Canada generally that there had been rents exacted from the censitaires which the Seigniors had no right to exact. There was that feeling existing, and it was utterly impossible to disabuse the public mind of it, even if the view of the hon. member for London were correct.⁷⁴ He (Mr. H.) contended that it would be perfectly monstrous (*sic*) to propose that the public should pay for the lods et ventes, about which there had never been any dispute, while, with regard to the cens et rentes, there was a strong feeling in the public mind against the injustice of the illegal rates that had been exacted.⁷⁵ He was satisfied, therefore, as to that particular charge that it was expedient for the Province to assume, in order to get quit of the question altogether.⁷⁶ Every one agreed as to the necessity of getting rid of this tenure⁷⁷ to settle the question finally⁷⁸. It was perfectly understood that⁷⁹ the Province at large must come forward and assume a large share of the burden, but⁸⁰ as to the revenues which it was proposed to take for this purpose, he thought no Upper Canadian had any right to complain.⁸¹ He maintained that the special revenues which it was proposed to set apart, were revenues upon which Lower Canada had a just claim, and more especially the revenues from the Seigniority of Lauzon, which came into the possession of the province many years before the union, in compensation for the debts of a⁸² one time Receiver General of Lower Canada⁸³ who became a defaulter to the Crown to a very large extent.⁸⁴ It was, therefore, a very proper revenue to be applied to the extinction of the Seigniorial Tenure.⁸⁵ He thought there was no danger of any very large amount being saddled on the province. They were merely asked to

allow the Lower Canadians out of their own revenues to raise a capital to pay for the indemnity, and then for any additional amount that might be required to be taken from the public purse⁸⁶. Upper Canada would get a like amount for local purposes. He had heard estimates mentioned in this debate of the cost of indemnities, that were almost equal to the aggregate value of all the Seigniories in Lower Canada.⁸⁷ The strongest point that had been made in opposition to the measure all the evening was that the hon. and learned Attorney General West who supported it now, had been opposed to it on some former occasion.⁸⁸ He hoped the hon. member would take a higher view of this great question, and meet it fairly on its merits.⁸⁹ He did hope that hon. members generally from Upper Canada would take higher ground on this question, and that they would not approach it with any desire to embarrass the Government in their attempts to settle it on fair and equitable terms.⁹⁰

MR. J.S. MACDONALD (Glengary) was surprised that the hon. gentleman who had just spoken should find fault with the opposition for endeavouring to sustain their views by quoting the deliberate opinions of hon. gentlemen now on the Treasury Benches. (Hear, hear.) As regards embarrassing the Government, supported as it was by such overwhelming majorities, he thought there was little necessity for appealing to the feelings of hon. members on that score. He and his friends, however, thought it their duty to protest against that unworthy compromise between gentlemen from Upper Canada and those from Lower Canada, which had been explained by the hon. member for Peterborough, that Upper Canada should contribute the Seigniorial Indemnity, in return for the Clergy Reserves Bill, and, if that compromise were carried out, he thought the country would yet have something to say to it. (Hear, hear.)⁹¹

MR. AT. GEN. J.A. MACDONALD said the hon. member for Lambton had read him a lecture for his want of seriousness in discussing this question, but the resolution now in the hands of the Speaker was not one which could be discussed with any seriousness. The resolutions he moved last year were a strong constitutional expression of opinion on the question then before the House, but as applied to the present measure, they were simply ridiculous. The position that he took up then, was, that it was⁹² quite unparliamentary⁹³, unprecedented and improper to pledge the Revenues of the Province to an unlimited amount, but for the very purpose of avoiding that unconstitutionality⁹⁴ and of giving to this and future Parliaments a complete control over the expenditure to indemnify the Seigniors⁹⁵, the limit of £150,000 had been placed in the Bill now under discussion, to which, therefore, the resolutions he moved last year and which were now revived, were altogether inapplicable.⁹⁶ He was much gratified that the honorable member for Lambton had read speeches formerly delivered by him (Mr. M.) when the Bill was before the last administration. What he had said upon that occasion he was still prepared to advocate.⁹⁷ He was obliged to the hon. member for Lambton for having quoted from his speech of last year. On that occasion he alluded to the settlement of the slavery question by the vote of twenty millions, that was the very course which had now been adopted, the present Bill specifying £150,000 as a limit.⁹⁸ He would again assert, that this measure completely destroyed the whole Seigniorial Tenure.--By it the Seignior and Censitaire would be placed in the position of debtor and creditor (hear, hear,) or as rent payer and receiver.⁹⁹

MR. WILSON replied to the remarks of the Attorney General, and maintained that it was idle for him to attempt to vindicate his inconsistency, as the two Bills were precisely identical in all their essential features.¹⁰⁰ [He] objected

to the limitation ... of £150,000. When the rights of the Seigniors were destroyed by the Bill, they should be idemnified even if it cost £500,000.¹⁰¹ It was impossible to fix the maximum value of rights which had not yet been ascertained; and that, according to the bill, if they came to £500,000 they must be paid, although the amount should be nominally fixed at £150,000.¹⁰²

MR. LANGTON defended himself against the charge of inconsistency on the ground that the circumstances had changed.¹⁰³ [He] had always desired to get rid of the question satisfactorily, and a sacrifice upon the part of Upper Canada, he would not object to [to] finally settle it. The Clergy Reserves and this bill, conjointly, were the subject of a compromise between Upper and Lower Canada.¹⁰⁴

MR. FREEMAN did not attach that importance to the mere consistency of the gentlemen on the treasury benches that some hon. members did:¹⁰⁵ [he] did not know that the contradictory position in which the honorable gentleman (*sic*) on the Treasury benches then stood to what they had been in before, was of any further importance than this, that when they were attacked with inconsistency, they should be able to shew, why it was, that their position at the present time was the correct one.¹⁰⁶ He thought they had not given good reasons for that position¹⁰⁷, [OR] he thought that in this particular they had completely succeeded. But he was not prepared to take the Inspector General's admission¹⁰⁸ that Upper Canada would not have to contribute a single sixpence to the settlement of the question¹⁰⁹ [and] that the Provincial Revenue would suffer nothing if the indemnity was taken out of it.¹¹⁰ He believed on the contrary that the public purse would be heavily taxed, and he could not consent to this, so long as the Tenure was not entirely abolished.¹¹¹ The territorial revenue belonging to the Province amounted to little over £7,000 the last year, and he (Mr. F.) understood that that was to be diverted forever from the Provincial Chest. It represented a very large capital, and it would be taken away from the Provincial Chest to satisfy the seignior's claims.¹¹² Let the seigniorial lands themselves bear the burthen of extinguishing this tenure; but don't first pay the amount out of the Provincial revenue, and trust to the lands reimbursing the public treasury. This bill did not get rid of this tenure; it left a rent of a penny per arpent, and he desired to know on what principle it was that this was to be continued, and still a demand made on the public for indemnity to the Seigniors. It was monstrous to limit the amount of indemnity before it was ascertained¹¹³, but he did think, that the obnoxious part of the tenure was done away with by this bill. Upper Canada ought not to be called upon to relieve the Censitaire and Seignior from the results of a compact entered into between them so many years ago. It would be unjust to Upper Canada, and in as much as the simple assertion of honorable members of the government did not satisfy him that the amount to be drawn from the Provincial Chest would be reimbursed by means of the sale of unconceded lands, he should vote for the present Resolution.¹¹⁴

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Mr. Mackenzie moved in amendment to the second Resolution, seconded by Mr. Frazer, That all the words after "That" to the end thereof be left out, in order to add the words "the proposition to pledge the Consolidated Revenue Fund for the payment of the said Indemnity, and thereby to increase the Provincial Debt and Taxation to an unknown and unlimited amount, is improper, unprecedented and dangerous; that it deprives this House of the necessary check over the Public expenditure and the Public burthens, and that this House will fail

in its duty to the People of Canada, if it assents to any such proposition" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called (sic) for, they were taken down, as follow:--

YEAS.

Messieurs Biggar, Brown, Church, Fergusson, Foley, Frazer, Freeman, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Marchildon, Mattice, Munro, Murney, Scatcherd, Wilson, and Wright.--(19.)

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NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bourassa, Brodeur, Bureau, Cartier, Cayley, Shabot, Chapais, Chauveau, Chishelm, Clarke, Crawford, Charles Daoust, Jean B. Daoust, Darache, Delong, Desaulniers, DeWitt, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Felton, Thomas Fortier, Fournier, Gill, Guévrement, Hartman, Hinks, Holton, Jackson, John Laberge, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Lyon, Macheth, Attorney General Macdonald, Sir A.N. MacNab, Masson, Matheson, Meagher, Mongenais, Morin, Angus Morrison, Niles, O'Farrell, Papin, Patrick, Poulin, Pouliot, Prévost, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Levenson, Terrill, Thibaudeau, Turcotte, Valois, Whitney, and Young.--(76.)

So it passed in the Negative.

MR. PAPIN propose en amendement à la 2e résolution de retrancher tous les mots après "expédiant," et d'insérer à la place les mots: "que le gouvernement avance à même les fonds du revenu consolidé, ou au moyen de débentures, le montant nécessaire pour effectuer la dite commutation et racheter les dits droits; les censitaires devant rembourser une partie de la dite avance au gouvernement, par paiements annuels, avec un délai suffisant pour que ce remboursement ne soit pas onéreux au censitaire."--Il dit qu'il n'a aucune intention de discuter cet amendement longuement, parce qu'il a déjà été assez discuté dans le comité général, mais il veut mettre sur les registres de la Chambre l'opinion qu'il entretient sur ce sujet. Il désire faire voir quel est le moyen le plus convenable aux intérêts des seigneurs, de faire disparaître la tenure d'une manière universelle, uniforme et complète. Il propose donc, que la province contribue une certaine partie des frais de cette commutation, car quand il s'agit de l'abolition d'une nuisance générale, il prétend que la province doit porter une partie du fardeau. Cela se fait jusqu'à un certain point par le bill du Procureur-général mais il croit que la manière en laquelle il (M. Papin) propose de le faire est premièrement la plus avantageuse pour le seigneur, en autant que selon le plan du Procureur-général, le seigneur peut rester plusieurs années sans rien recevoir pour représenter le revenu des lods et ventes; secondement elle est plus avantageuse pour le censitaire, puisqu'elle lui permet de racheter les droits du seigneur au moyen de versements annuels au lieu de lui faire payer le rachat tout à la fois. Il pense que le censitaire qui ne peut payer une telle somme aujourd'hui, ne sera pas plus capable de le faire après dix ou vingt ans. Aussi la tenure existerait sous une autre forme pendant peut-être un siècle à venir. La manière en laquelle il (M. Papin) désire régler la chose, c'est de faire payer par le censitaire les intérêts de la somme nécessaire pour la commutation en y ajoutant un petit versement payable tous les ans. De cette manière la tenure serait abolie entièrement dans vingt ou vingt-cinq ans. Il espère qu'il aura dans cette occasion le concours

des membres pour Maskinongé et pour Portneuf. Ces messieurs ont dit, il y a quelques jours, que si le gouvernement ne rétablissait pas l'équilibre entre le Haut-Canada et le Bas-Canada, qu'on avait méconnu dans le bill qui donnait au Haut-Canada une trop grande partie des Réserves, ils voteraient contre le bill des Réserves. Maintenant la question des Réserves a été décidée, il en appelle à ces messieurs pour lui aider à rétablir l'équilibre en votant pour la proposition qu'il fait.¹¹⁵

MR. TURCOTTE s'oppose à la proposition parce qu'elle tend à faire payer l'indemnité par le censitaire tout d'un coup. Le membre pour L'Assomption ne comprend ni le bill ni sa propre proposition. Le bill abolira tout ce qui tient au système féodal; la seule différence entre lui et le Procureur-général est que le membre pour L'Assomption voudrait faire payer la commutation immédiatement.¹¹⁶

MR. LORANGER croit que la rédaction du bill dénote une profonde connaissance des lois et des institutions du pays de la part du Procureur-général, mais il ne voit rien de cela dans la proposition du membre pour L'Assomption. Cette proposition n'aboutit à rien, ne définit rien; et si on l'adoptait le pays se trouverait dans une confusion plus grande que jamais. Elle aurait dû déclarer quelle partie de l'indemnité doit être payée par le censitaire et quelle partie par le gouvernement. Il votera contre la résolution comme étant impolitique et anti-sociale.¹¹⁷

MR. THIBAUDEAU ... [dit] quelques mots ... en opposition à l'amendement.¹¹⁸

MR. PAPIN dit qu'il est surpris que le membre pour Laprairie ait si mal compris la proposition qu'il vient de soumettre à la chambre que de dire qu'elle n'aboutit à rien. Ce monsieur doit savoir que ce n'est pas dans des résolutions de cette nature qu'on règle des détails. Ces détails doivent se trouver dans le bill qui est basé sur les résolutions, mais non pas dans les résolutions elles-mêmes. Les résolutions du procureur-général sont dans la même position que la proposition en amendement. Le procureur-général dit que le seigneur doit être payé en entier, non pas seulement pour ce qui lui est dû, mais aussi pour ce que ce monsieur dit être des usurpations. Le procureur-général n'a pas plus établi le montant de l'indemnité que lui (M. Papin); au contraire la somme qui serait requise est laissée par le bill indéfinie et incertaine, et elle pourrait varier de \$100,000 à \$1,000,000. La chambre peut-elle savoir combien le pays devra payer sous les provisions du bill? Ce fait ne devra-t-il pas être décidé par des commissaires en dernier ressort, et par les mêmes cours qui ont toujours décidé en faveur des usurpations des seigneurs? Appuyer un bill si vague et en même temps se plaindre de ses résolutions en disant qu'elles ne fixent rien n'est autre chose qu'une absurdité. Il est certain que dans le cas où la résolution serait adoptée, la question ne se trouverait pas de suite réglée, mais ce n'est pas pour cela qu'on aurait raison de la stigmatiser comme anti-sociale. Après cela il ne reste plus qu'à dire qu'elle est anti-religieuse. Il (M. Papin) a été de plus menacé de ses constituants, et on lui a parlé des promesses qu'il a faites à ses électeurs; mais si le membre pour Laprairie s'était souvenu de ses propres promesses, peut-être aurait-il agi autrement. Toutefois il (M. Papin) conseille à ce Monsieur d'être tranquille sur son compte. Quant aux membres pour Portneuf et Maskinongé, il paraît que toutes les déclarations qu'ils ont faites, il y a quelques jours, ne valent rien, elles ne veulent dire que ceci: nous avons voulu obtenir justice en emportant les deux mesures ensemble, et en faisant dépendre le sort de l'une de celui de l'autre, mais notre espérance a été déçue, et enfin il nous a fallu consentir que le fonds consolidé soit déchargé, et que le Bas-Canada soit sacrifié comme toujours. En agissant ainsi il ne faut pas faire de semblables protestations.¹¹⁹

(336)

Mr. Papin moved in amendment to the second Resolution, seconded by Mr. Jobin, That all the words after "expedient" to the end thereof be left out, in order to add the words "that the Government do advance out of the Consolidated Revenue Funds, or by the issue of Debentures, the amount necessary for effecting the said commutation and redeeming the said rights; the Censitaires to repay to the Government a part of the said advance by annual payments, a sufficient delay being allowed in order that the repayment be not too burthensome on the Censitaire" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Holton, Jobin, LaBerge, Papin, Prévost, Valois, and Young.--(13.)

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NAYS.

Messieurs Allegn, Bell, Bellingham, Blipper, Blanchet, Brown, Burton, Cartier, Cusault, Cusack, Cuyler, Chabot, Chipute, Chauveau, Chisholm, Church, Clarke, Crawford, DeLong, Desautels, Dionne, Eastler, Attorney General Drummond, Dufresne, Egan, Malton, Bonjasson, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Freeman, Gill, Gaudinot, Harmon, Blake, Langton, Laporte, LeBoutillier, Lemieux, Loranger, Lewison, Lynn, Macdonald, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McKenzie, Sir A.N. MacNab, McKerlie, Marchildon, Masson, Matheson, Mertice, Meagher, Monjeais, Morin, Angus Morrison, Munn, Marnay, Nice, O'Farrell, Fitzick, Poulin, Pouliot, Powell, Robinson, Roblin, Solicitor General Ross, James Ross, Seatcharl, Shaw, Solicitor General Smith, Albany Smith, James Smith, Thibault, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, Whitney, Wilson, and Wright.--(89.)

So it passed in the Negative.

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Then the Question being put, That this House doth concur with the Committee in the second Resolution; the House divided:--And it was resolved in the Affirmative.

The third Resolution being read a second time;

Mr. Lemieux moved in amendment thereunto, seconded by Mr. Thibaudeau, That after the word "chiefly" the words "it has been pretended" be inserted; and that the words "the highest Court of Civil Jurisdiction" be left out and the words "a Tribunal which shall be composed of three eminent Advocates who shall be neither Censitaires nor Seigniors" inserted instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

The third Resolution was then agreed to.

The fourth Resolution, being read a second time, was agreed to.

The fifth Resolution being read a second time;

MR. A. DORION de Montréal, propose en amendement, que les mots "tous les deniers 'provenant dans le Bas-Canada de licences d'encanteurs' soient retranchés."

Avant que de parler sur l'amendement il demande au procureur-général pendant combien de temps ce fonds doit être appliqué à la fin mentionnée dans la résolution.¹²⁰

MR. AT. GEN. DRUMMOND dit que peut-être il y aura des débentures émises sur le crédit de ce fonds.¹²¹

MR. A. DORION continue:--L'autre soir le procureur-général a dit qu'un autre fonds peut être approprié à cette fin et que le fonds provenant des licences d'encans pourrait être anéanti. Pourquoi ne pas le faire de suite, en y affectant la partie des réserves du clergé qui appartient au Bas-Canada, ou quelque autre fonds Bas-Canadien. En parlant sur ce sujet il y a quelques jours il a dit que les licences d'encans produisaient £6000; depuis ce temps la Chambre de commerce de Montréal a présenté une requête à la Chambre réclamant contre cette taxe, comme injuste et nuisible. Il paraît d'après cette requête que cette taxe montait l'an dernier à £5000, dont £3500 ont été prélevés dans la ville de Montréal, de sorte que cette ville a payé les trois quarts du fonds entier. Néanmoins Montréal est exclue de tous les avantages du changement que le bill va opérer. Peut-être on demanderait comment il se fait que la ville de Montréal seule supporte cette taxe? La réponse est très simple. Dans d'autres pays il n'y a pas de taxe semblable, de sorte que le fardeau tombe sur le commerce de Montréal, ou en d'autre[s] mots, sur le commerce du St. Laurent. Une grande partie de la taxe tombe sur les importations du Thé, et il pense que, comme elle est très partielle, elle doit être abolie.¹²²

MR. YOUNG opposed the auction duties of one per cent; the effect of which was to enable Upper Canada merchants to purchase one per cent cheaper in New York than in Montreal. The tax fell especially upon teas and other goods from China.¹²³ [Il] dit que deux requêtes ont été présentées à la Chambre par la chambre de commerce contre cette taxe. Mais au lieu de soulager le commerce du Bas-Canada, le ministère maintenant propose de la rendre permanente.¹²⁴ This tax bore more heavily upon Lower than Upper Canada¹²⁵. Il est un de ceux qui s'opposaient à l'imposition de droits différentiels sur le commerce du Haut-Canada; et il s'oppose actuellement à une grande injustice qui pèse sur le commerce du Bas-Canada.¹²⁶ [The tax] ought to be abolished.¹²⁷ Aujourd'hui qu'il n'y a aucun avantage accordé à la route du St. Laurent, les consommateurs du Haut-Canada peuvent aller à New York ou ailleurs, et la vilie (sic) qui leur vend à meilleur marché obtient la préférence.¹²⁸

MR. BOWES said he was opposed to the amendment. It might be all very well for hon. members residing in Montreal to ask for the abolition of the duty of one per cent. on goods sold by auction, to relieve the trade of the City of Montreal; he was however opposed to any such abolition and for the following reason. It is well known that large quantities of goods are brought into this country from foreign countries and sold by auction in our markets, to the injury of the regular trader. Were the present duty of one per cent. abolished, those goods would enjoy a still more unfair advantage than they do at present, exempt as they are from all those municipal dues to which the goods of the resident merchant are subject. In this manner surplus and depreciated stocks are sold, to the great disadvantage and in many cases manifest injury of the steady man of business who is called upon to pay all the municipal imposts of the city in which he resides. He was consequently opposed to the abolition of this duty, and trusted the government would resist the introduction of such an amendment. Besides if these duties were abolished the amount to be taken out of the consolidated fund would be the larger.¹²⁹

MR. INSP. GEN. CAYLEY ne croit pas que la taxe soit partielle; elle existe dans le Haut-Canada.¹³⁰

MR. AT. GEN. DRUMMOND nie qu'il soit vrai que les censitaires de Montréal ne sont pas affectés par le bill pour définir la Tenure Seigneuriale; ils en partageront tous les avantages hors la commutation. Si les commerçants de Montréal ont voulu attirer l'attention de la Chambre sur l'injustice de cette taxe, ils auraient dû le faire avant que ces fonds fussent spécialement appropriés à des fins locales. Ce n'est pas les commerçants de Montréal qui paient ces taxes, mais le peuple qui consomme les marchandises importées. Il ne voit aucune difficulté à changer les fonds grevés de l'indemnité payable aux seigneurs.¹³¹

MR. YOUNG répète que Montréal a présenté deux requêtes.¹³²

MR. HINCKS dit que la question n'est pas si les commerçants de Montréal ont présenté des requêtes à la Chambre, mais si leurs requêtes sont raisonnables. Pour lui il pense qu'il n'y a rien de déraisonnable dans la taxe; elle existait avant l'union, et personne ne s'en plaignait jusqu'à ce que le fonds fut appliqué à des fins locales. La taxe existe en Haut-Canada, et il croit qu'elle existe aussi à New-York.¹³³

MR. A. DORION fait remarquer que le procureur général a dit que Montréal retirera quelque avantage du bill, à part la commutation; mais il n'y a que la commutation qui leur reste. Il ne demande plus que la taxe soit (sic) abolie en laveur (sic) des habitants de Montréal, mais en faveur du peuple en Canada. Il réclame contre la taxe, parce qu'elle est injuste et partielle. Le membre pour Renfrew dit que la même taxe existe à New-York. Quand même cela serait, ce n'est pas une raison de refuser un avantage à Montréal.¹³⁴

MR. BROWN said that in the fifth resolution there were certain sources of revenue specified, which came in annually. He did not exactly understand how the Inspector General meant to apply them to the extinguishment of the claims of the Seigniors, as to which a verdict of the Court would probably be rendered in one, two or three years.¹³⁵

MR. INSP. GEN. CAYLEY replied that Debentures would be issued to satisfy those claims, and that these revenues would be carried to a special fund as the security for those Debentures.¹³⁶

MR. BROWN.--How much do you calculate on receiving from those revenues, and for what period shall they be set apart?¹³⁷

MR. INSP. GEN. CAYLEY said the revenues specified would be increasing in amount every year, as the population increased.¹³⁸

MR. BROWN.--What amount of Debentures will be issued? and what is to be done with the Seignior of Lauzon? Will its revenues merely be taken, or will it be sold, and its proceeds brought into the fund?¹³⁹

MR. AT. GEN. DRUMMOND said that an average of the amounts of this and the other revenues would be taken for several years, and the capital which that average represented at six per cent, would be taken out of the Consolidated Fund, and Debentures issued for it.¹⁴⁰

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Mr. Antoine Aimé Dorion moved in amendment thereunto, seconded by the Honorable Mr. Young, That the words "all monies arising in Lower Canada from Auction Duties and Auctioneers' Licenses" be left out;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Charles Daoust, DeWitt, Antoine A. Dorian, Fraser, Galt, Invermont, Karlsen, LeBlond, LeBlond, John E. Macdonald, Roderick McDonald, Mackenzie, Mattice, Papin, Seatcherd, Valois, and Young.-- (20.)

NAYS.

Messieurs Blanchet, Brodeur, Bureau, Burton, Cartier, Casault, Cauchon, Legley, Chibot, Chapais, Charbonneau, Trisholm, Clare, Chamfort, John E. Dorian, Dionne, Dostaler, Attorney General Drummond, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Laporte, Larwill, Lemieux, Lyon, Macbeth, Attorney General Macdonald, Manson, Mitchell, Thompson, Monaghan, Morin, Morre, Morney, O'Donnell, Roblin, Samuelson, John E. Macdonald, John E. Smith, Spence, Terrill, and Whitney.-- (41.)

So it passed in the Negative.

The fifth Resolution was then agreed to.

The sixth Resolution, being read a second time, was agreed to.

On motion of MR. AT. GEN. DRUMMOND,¹⁴¹

(337)

Ordered, That the said Resolutions be referred to the Committee of the whole House on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada.¹⁴²

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The House, according to Order, resolved itself into a Committee on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of lands held en roture in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next, and be then the first Order of the day.

A Bill for the removal of doubts and to explain the Provincial Statute 12 Vic. cap. 42, was, according to Order, read the third time.

Resolved, that the Bill do pass, and the Title be, "An Act for the removal of doubts and to explain the Provincial Statute 12th Victoria, chapter 42, to abolish imprisonment for debt, and for other purposes."

Ordered, That Mr. Terrill do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to incorporate the Saint Francis Bank, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Commercial Bank of the Midland District, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Bank of Upper Canada, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the House in Committee on the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada, being read;

Ordered, That the said Order of the day be postponed until To-morrow, and be then the first Order of the day.

Ordered, That the Order of the day for the House in Committee on the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock, be postponed until Monday next, and be then the second Order of the day.

Ordered, That the Order of the day for taking into consideration the Second

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Report of the Standing (sic) Committee on Contingencies, be postponed until Monday next, and be then the third Order of the day.

Then, on motion of Mr. Mackenzie, seconded by Mr. Masson,
The House adjourned.

FOOTNOTES: 16 NOVEMBER 1854.

1. GLOBE, 27 November 1854 (in Scrapbook Hansard).
2. IBID.
3. Telegraph (PILOT, 17 November 1854).
4. GLOBE, 27 November 1854 (in Scrapbook Hansard).
5. OTTAWA CITIZEN, 25 November 1854, notes that debate on the Seigniorial Tenure Bill lasted eleven and a half hours.
6. GLOBE, 27 November 1854 (in Scrapbook Hansard).
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. MORNING CHRONICLE, 21 November 1854.
14. GLOBE, 27 November 1854 (in Scrapbook Hansard).
15. MORNING CHRONICLE, 21 November 1854.
16. GLOBE, 27 November 1854 (in Scrapbook Hansard).
17. MORNING CHRONICLE, 21 November 1854.
18. GLOBE, 27 November 1854 (in Scrapbook Hansard).
19. MORNING CHRONICLE, 21 November 1854.
20. GLOBE, 27 November 1854 (in Scrapbook Hansard).
21. IBID.
22. MORNING CHRONICLE, 21 November 1854.
23. GLOBE, 27 November 1854 (in Scrapbook Hansard).
24. IBID.
25. TORONTO DAILY LEADER, 25 November 1854.
26. GLOBE, 27 November 1854 (in Scrapbook Hansard).
27. TORONTO DAILY LEADER, 25 November 1854.
28. GLOBE, 27 November 1854 (in Scrapbook Hansard).
29. TORONTO DAILY LEADER, 25 November 1854.
30. GLOBE, 27 November 1854 (in Scrapbook Hansard).
31. IBID.
32. IBID.
33. MORNING CHRONICLE, 21 November 1854.
34. GLOBE, 27 November 1854 (in Scrapbook Hansard).
35. TORONTO DAILY LEADER, 25 November 1854.
36. GLOBE, 27 November 1854 (in Scrapbook Hansard).
37. MORNING CHRONICLE, 21 November 1854.
38. GLOBE, 27 November 1854 (in Scrapbook Hansard).
39. MORNING CHRONICLE, 21 November 1854.
40. GLOBE, 27 November 1854 (in Scrapbook Hansard).
41. TORONTO DAILY LEADER, 25 November 1854.
42. GLOBE, 27 November 1854 (in Scrapbook Hansard).
43. TORONTO DAILY LEADER, 25 November 1854.
44. IBID.
45. IBID.
46. IBID.
47. MORNING CHRONICLE, 21 November 1854.
48. TORONTO DAILY LEADER, 25 November 1854.
49. MORNING CHRONICLE, 21 November 1854.
50. GLOBE, 27 November 1854 (in Scrapbook Hansard).

51. MORNING CHRONICLE, 21 November 1854.
52. TORONTO DAILY LEADER, 25 November 1854.
53. GLOBE, 27 November 1854 (in Scrapbook Hansard).
54. MORNING CHRONICLE, 21 November 1854.
55. GLOBE, 27 November 1854 (in Scrapbook Hansard).
56. MORNING CHRONICLE, 21 November 1854.
57. GLOBE, 27 November 1854 (in Scrapbook Hansard).
58. TORONTO DAILY LEADER, 25 November 1854.
59. MORNING CHRONICLE, 21 November 1854, places this vote on Mr. Mackenzie's motion later in the debate after Mr. Freeman's speech, (footnotes 105-114).
60. GLOBE, 27 November 1854 (in Scrapbook Hansard).
61. IBID.
62. MORNING CHRONICLE, 21 November 1854.
63. GLOBE, 27 November 1854 (in Scrapbook Hansard).
64. IBID.
65. IBID.
66. IBID.
67. MORNING CHRONICLE, 21 November 1854.
68. GLOBE, 27 November 1854 (in Scrapbook Hansard).
69. TORONTO DAILY LEADER, 25 November 1854.
70. GLOBE, 27 November 1854 (in Scrapbook Hansard).
71. MORNING CHRONICLE, 21 November 1854.
72. GLOBE, 27 November 1854 (in Scrapbook Hansard).
73. TORONTO DAILY LEADER, 25 November 1854.
74. GLOBE, 27 November 1854 (in Scrapbook Hansard).
75. TORONTO DAILY LEADER, 25 November 1854.
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87. TORONTO DAILY LEADER, 25 November 1854.
88. GLOBE, 27 November 1854 (in Scrapbook Hansard).
89. TORONTO DAILY LEADER, 25 November 1854.
90. GLOBE, 27 November 1854 (in Scrapbook Hansard).
91. IBID.
92. IBID.
93. MORNING CHRONICLE, 21 November 1854.
94. GLOBE, 27 November 1854 (in Scrapbook Hansard).
95. MORNING CHRONICLE, 21 November 1854.
96. GLOBE, 27 November 1854 (in Scrapbook Hansard).
97. MORNING CHRONICLE, 21 November 1854.
98. GLOBE, 27 November 1854 (in Scrapbook Hansard).
99. MORNING CHRONICLE, 21 November 1854.
100. GLOBE, 27 November 1854 (in Scrapbook Hansard).
101. MORNING CHRONICLE, 21 November 1854.
102. TORONTO DAILY LEADER, 25 November 1854.

103. IBID.
104. MORNING CHRONICLE, 21 November 1854.
105. TORONTO DAILY LEADER, 25 November 1854.
106. MORNING CHRONICLE, 21 November 1854.
107. TORONTO DAILY LEADER, 25 November 1854.
108. MORNING CHRONICLE, 21 November 1854.
109. GLOBE, 27 November 1854 (in Scrapbook Hansard).
110. MORNING CHRONICLE, 21 November 1854.
111. GLOBE, 27 November 1854 (in Scrapbook Hansard).
112. MORNING CHRONICLE, 21 November 1854.
113. TORONTO DAILY LEADER, 25 November 1854.
114. MORNING CHRONICLE, 21 November 1854.
115. LE PAYS, 23 November 1854.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
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121. IBID.
122. IBID.
123. TORONTO DAILY LEADER, 25 November 1854.
124. LE PAYS, 23 November 1854.
125. TORONTO DAILY LEADER, 25 November 1854.
126. LE PAYS, 23 November 1854.
127. TORONTO DAILY LEADER, 25 November 1854.
128. LE PAYS, 23 November 1854.
129. TORONTO DAILY LEADER, 25 November 1854.
130. LE PAYS, 23 November 1854.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. GLOBE, 27 November 1854 (in Scrapbook Hansard).
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. IBID.
141. MORNING CHRONICLE, 21 November 1854.
142. Telegraph (MORNING CHRONICLE, 18 November 1854), indicates that "the question of concurrence on the Seigniorial Tenure Resolutions and Bill was debated until half-past one", whereas TORONTO DAILY LEADER, 25 November 1854, states that "the House adjourned this (Friday) morning at half-past one".

FRIDAY, 17 NOVEMBER 1854.

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THE Serjeant-at-Arms attending this House, informed the House, that he had been unable to comply with the Order of the House of Thursday last, for taking into his custody James Moir Ferres, Esquire, in consequence of the severe illness of that Gentleman.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Turcotte,--The Petition of Luc Leclerc, Esquire, of the Parish of La Rivière Ouelle.

By Mr. Laberge,--The Petition of Prosper Tremblay and others, of the Parish of Eboulements; the Petition of the Reverend A. Beaudry and others, School Commissioners of the Parish of St. Etienne de la Malbaie; and the Petition of A. Gagnon and others, of the Parish of La Baie St. Paul, County of Saguenay.

By Mr. Brodeur,--The Petition of J.B. Desrosiers and others, of the Counties of Bagot and Drummond.

By Mr. Flint,--The Petition of J.R. Austin and others, of the Town of Picton; the Petition of Michael Brennan and others, Catholics, of the Diocese of Kingston; and the Petition of R.H. Nettleton and others, of the Town of Picton.

By the Honorable John Sandfield Macdonald,--The Petition of the Very Reverend John Macdonald and others, Catholics, inhabitants of the Parish of St. Raphaël.

By Mr. Galt,--The Petition of G.K. Foster and others, of Richmond and vicinity, Canada East; and the Petition of H. Henderson and others, of the Town of Sherbrooke.

By Mr. Bell,--The Petition of John Stevenson and others, of the Village of Lanark.

By Mr. Masson,--The Petition of the Reverend T. Brassard and others, of the Parish of St. Ignace du Côteau du Lac.

By Mr. Patrick,--The Petition of J.S. McCuaig and others, merchants and citizens of the Cities of Quebec and Kingston.

By Mr. Egan,--The Petition of Jason Gould, of Cobden, County of Renfrew.

By Mr. Alleyn,--The Petition of the Council of the Quebec Board of Trade.

Mr. Angus Morrison, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Saguenay, informed the House, That the Committee had come to the following Resolutions and Determinations:--

1. Resolved, That the Poll Book for the Parish of Ste. Fidèle, in the County of Saguenay, was, after the hours of polling on the second day of the said Election, and before the same was returned to the Returning Officer of the said County, collusively dealt with, and four thousand pretended names were fraudulently and illegally inscribed thereon as Votes for Pierre Gabriel Huot, Esquire,

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the Sitting Member, and that the said Poll Book was not, at any time, returned to the said Returning Officer by John McLaren, Deputy Returning Officer for the said Parish of Ste. Fidèle, but was, on the fourth day of August last, delivered to the said Returning Officer by Jean Gagné, of the Parish of St. Etienne de la Malbaie, Notary Public, without any authority from the said John McLaren, and after the said Poll Book had been, as aforesaid, collusively dealt with; and that the said John McLaren and the said Jean Gagné were privy to the said collusive dealing with the said Poll Book.

2. Resolved, That the Poll Book for the Parish of St. Urbain, in the said County of Saguenay, contains three thousand two hundred and upwards of pretended

names, which have been fraudulently and illegally inscribed therein, out of polling hours, as Votes for Jean Langlois, Esquire, the Petitioner; and that Michael McCarty, Deputy Returning Officer for the said Parish of St. Urbain, was privy to the said fraudulent and illegal inscribing of names on the said Poll Book for the said Parish of St. Urbain.

3. Resolved, That a large proportion of the names inscribed on the Poll Books for the Parishes of Les Eboulements, St. Etienne, and Ste. Agnès, were fictitious names, illegally and fraudulently inscribed thereon as legal Voters for the said Candidates at the said Election; and that Louis Lavoie, Deputy Returning Officer for the said Parish of Les Eboulements, Edouard Tremblay, Deputy Returning Officer for the said Parish of St. Etienne, and Antoine Guay, Deputy Returning Officer for the said Parish of Ste. Agnès, were privy to the said fraud and illegal proceedings within their respective Parishes.

4. Resolved, That a gross breach of the privileges of the Honorable the Legislative Assembly of this Province has been committed by the said John McLaren, Michael McCarty, Jean Gagné, Louis Lavoie, Edouard Tremblay, and Antoine Guay, and this Committee recommend that the said parties be taken into the custody of the Serjeant-at-Arms, and be further punished, in such manner as the said Legislative Assembly may deem proper.

5. Resolved, That it is expedient that directions, by the proper authority, be given to the Law Officer of the Crown to prosecute to judgment and punishment the parties who have been guilty of the said offences of fraudulent and illegal dealing with the said Poll Books of the said several Parishes of Ste. Middle, St. Urbain, Ste. Agnès, St. Etienne, and Les Eboulements.

6. Resolved, That the aforesaid gross frauds so openly practised, on both sides, at the late Election, which resulted in the inscribing on the several Poll Books of the Parishes of the County of Saguenay, of fourteen thousand three hundred and nineteen Votes, while the written statements laid before the Committee by the said Pierre Gabriel Huot and Jean Langlois, Esquires, concur in limiting the whole amount of legal Voters at sixteen hundred and sixty-four, render it imperative on the Committee to declare the said Election illegal and void.

7. Resolved, That Pierre Gabriel Huot, Esquire, is not duly elected to serve in this present Parliament for the County of Saguenay.

8. Resolved, That the Election for the said County is illegal and void.

9. Resolved, That while the Committee is willing to acquit the Returning Officer of acting partially or illegally, from corrupt motives, yet they feel themselves called upon to express their regret that he should not, in his Special Return, have noticed the other facts of fraud and illegal proceedings which he appears to have been aware characterized the whole Election.

10. Resolved, That no evidence has been laid before the Committee proving the complicity of either Candidate in the aforesaid frauds and illegal proceedings, and it is therefore declared, that neither the Petition of the said Jean Langlois, nor the Defence of the said Pierre Gabriel Huot, is frivolous or vexatious.

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And the said Resolutions and Determinations were ordered to be entered on the Journals of this House.

Mr. Angus Morrison moved, seconded by Mr. Felton, and the Question being proposed, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the Election of a Member to serve in the present Provincial Parliament for the County of Saguenay, in the room of Pierre Gabriel Huot, Esquire, whose Election has been determined to be void;

MR. LABERGE fait motion en amendement que M. l'orateur n'émane pas son warrant tant que la Chambre n'aura pas décidé si le comité nommé pour s'enquérir de l'élection contestée du comté du Saguenay était légalement constitué ou non; et que la dite question soit décidée par cette Chambre vendredi prochain.

Il prétend qu'il y avait sur la liste dans laquelle on a pris les noms des messieurs pour composer ce comité, les noms de deux messieurs, Sir Allan MacNab et J.A. McDonald, qui n'avaient pas droit d'y être, parce qu'ils n'avaient pas été élus quinze jours avant que le comité fut formé. Dans ce cas le comité n'a pas été un tribunal du tout, et ces décisions ne valent rien.¹

MR. SOL. GEN. H. SMITH said he considered the House had no other alternative than to issue the Writ at once. They had no power to discuss of the proceedings of the Committee. The report [of the] Committee was final, and so soon as they declared the seat was vacant, it was for the House at once to order the issue of a new Writ. There could be no doubt that that was the proper course, and he said so without any reference to the question whether Mr. Huot, had while in the House voted either for or against the Government.²

MR. SICOTTE the SPEAKER intimated, [that] the time for raising such a question as this was passed³.

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*Mr. Laberge moved in amendment to the Question, seconded by Mr. Turcotte, That the word "not" be inserted between the words "do" and "issue," and that the words "until this House shall have decided whether the Committee appointed to inquire into the Contested Election for the County of Saguenay was legally constituted, and that the said Question be decided by this House on Friday next" be added at the end thereof;*⁴

And the Question being put on the Amendment:--It passed in the Negative.

And the Question being again proposed, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the Election of a Member to serve in the present Provincial Parliament for the County of Saguenay, in the room of Pierre Gabriel Huot, Esquire, whose Election has been determined to be void;

MR. SOL. GEN. D. ROSS took a different view of the case from his learned friend the Solicitor General West. (Hear, hear, and Laughter.) He thought the House should at least have time to read the Committee's Report, and see whether the Committee had kept strictly within the limits of its jurisdiction.⁵ Il dit qu'il veut que la Chambre ait du temps pour s'enquérir si le comité a décidé sur les questions qui lui étaient vraiment soumises. Il peut se faire que le comité ait décidé d'une manière illégale, de même que si une cour eut donné jugement pour une vache quand l'action réclamait un cheval. D'après lui, la question soumise au comité n'était pas s'il y avait plus au moins de votes; mais plutôt si le membre qui siège actuellement avait plus de votes valables que son adversaire.⁶ He begged to move in amendment to Mr. Morrison's Motion, That Mr. Speaker do not now issue his Warrant, but that the cons[i]deration of the said motion be postponed till Friday next and that in the meantime the Report of the Select Committee on the Saguenay Election be printed for the use of members.⁷

MR. J.S. MACDONALD (Glengarry,) considering that the two Solicitor Generals were pitted against each other, hoped the Attorney Generals East and West would come to the rescue, and contribute to the enlightenment of the House on the law of the case.⁸

MR. SOL. GEN. H. SMITH (solliciteur-général) cite les dispositions de l'acte pour décider les élections contestées et insiste que la décision du comité est

finale. Cela étant, il est certain que le bref doit être émané aussitôt que le rapport est présenté à la Chambre; autrement le comté se trouverait sans représensant (*sic*). Il cite trois cas où le bref fut émané de suite après le rapport des journaux parlementaires.⁹

Après quelques mots de part et d'autre, MR. WILSON dit que si les membres du ministère avai[en]t besoin de tems pour s'entendre sur ce sujet, l'opposition leur en accorderait sans difficulté.¹⁰ [He] recalled to the recollection of the House that a very short time ago, hon. gentlemen, now on the Treasury Benches, when in opposition, maintained that these questions of privilege were Government questions. (Hear, hear.) There was now evidently a division in the camp, and he thought the hon. and gallant Knight, at the head of the Government should state his views of the case.¹¹

Il demande l'opinion du Proc.-général (Est) pour savoir si ce monsieur appuie l'opinion de l'un ou de l'autre Soll.-général. Il se soucie peu de la conduite que tiendra le gouvernement; mais il veut savoir distinctement ce qu'ils pensent à présent. L'affaire semblait être une seconde affaire Brodeur.¹²

MR. PRES. EX. COUN. MACNAB thus appealed to, stated his views briefly, taking the side of the Solicitor General West.¹³ Le bref doit être émané de suite.¹⁴

MR. AT. GEN. J.A. MACDONALD argued the same side, and fortified his position by numerous quotations and references to authorities.¹⁵

MR. PROV. SEC. CHAUVEAU thought that these matters of privilege should be left open questions, on which members of the Government might vote according to their consciences as well as others. In the Brodeur case at the commencement of the session it was only made a Government question, when the Attorney General was refused 24 hours to consider what course should be taken.¹⁶ Il n'a pas compris que le ministère avait résigné parce que la Chambre adoptait l'une ou l'autre manière d'agir, mais parce qu'elle lui refusait le délai qu'il réclamait.¹⁷ In the present instance, he would support the motion of the Solicitor General East.¹⁸

MR. SOL. GEN. D. ROSS parle encore en faveur de son amendement. Il admet que la Chambre ne peut renverser la décision du comité, mais il ne voit pas de raison pourquoi elle ne prendrait pas du temps pour le considérer avant d'ordonner l'élection.¹⁹

MR. CAUCHON dit que le sol[ic]iteur-général admet que le rapport est final; pourquoi donc arrêter le bref? Le seul effet serait de laisser le comté sans représentant. Il est d'accord avec M. Chauveau que la question n'est pas une question de gouvernement; mais au moins les membres du gouvernement doivent être d'accord avec le (*sic*) constitution et la loi. Maintenant si un des officiers légaux est d'accord avec la loi, les autres doivent être en opposition avec elle.²⁰ On a legal question like this the House was entitled to expect that the law officers of the Crown, who were the authorized expounders of the Law in this House should at all events agree among themselves. (Hear, hear.) He thought the Writ should issue immediately.²¹

MR. MACKENZIE, amidst roars of laughter, compared the position of members, after having listened to the arguments of the Solicitor [General] East on the one side, and those of the Solicitor General West on the other, to that of an ass between two bundles of hay, not knowing which to choose. For his own part he thought he would stick to his old friend the Solicitor General West.²²

MR. FOLEY said the two law-officers of the Crown from Upper Canada took one side, and the Solicitor General East, and the Provincial Secretary, a lawyer also, took the other, while the President of the Council, also a lawyer himself, chimed in with his Upper Canada colleagues. He thought the Attorney General East should now state his opinions. If he supported the views of his Lower Canadian colleagues, the balance would again be restored.²³ C'est une question sur laquelle le gouvernement est tenu, par sa position, d'entretenir une opinion, afin qu'il puisse diriger la conduite de la Chambre. La discussion lui rappelle l'histoire d'un Roi d'Angleterre qui allait un jour au banc du Roi pour entendre les procès. Il entendit l'avocat du demandeur, et dit au juge: Je ne vois guère ce qu'on peut répondre à cela. Ensuite, il entendit l'avocat du défendeur, et dit encore au juge: Cela semble être une réponse parfaite. Enfin il entendit le juge, qui embrouillait toute l'affaire et il finit par dire: "Ce sont tous des coquins." Il pense que le procureur-général (Est) est d'accord avec ses collègues du Bas-Canada, et si cela est le cas il espère que ce Monsieur expliquera ses vues avec cette lucidité qui lui est particulière.²⁴

MR. HINCKS regretted that the discussion should have turned, not so much on the merits of the question, as on the difference of opinion which existed among hon. gentlemen on the Treasury Benches. He was not surprised that that difference of opinion should exist, for he had always observed, since he had been in Parliament that on questions connected with elections there was a tendency to a difference of opinion between gentlemen from Lower Canada and those from Upper Canada. They had always been accustomed in Upper Canada to settle election questions by election committees, and to adhere most rigidly to the decisions of those committees, but the contrary practice had always prevailed in Lower Canada, where they had never been accustomed to that mode of trying elections before (sic) the Union. The consequence was that there was always a tendency on the part of Lower Canada members to resort to the House itself for the decision of such questions of privilege. For his own part he held that the House ought not for one moment to hesitate, or by suspending their decision for one moment, to indicate that they hesitated about yielding at once to the conclusions come to by the Election Committee.²⁵

MR. AT. GEN. DRUMMOND said, if he had kept his seat till now, although appealed to by several hon. members for his opinion, it was because he was sorry to interfere with the amusements of hon. gentlemen on the Opposition benches. It was so great a consolation to them to find that on the Ministerial side of the House there might be some differences of opinion, and it was so seldom that they enjoyed any consolation of the sort, that he was very slow to interfere with it. They reminded him of a set of school-boys who had found some error in a copy-book or an example, and were delighted by making the most of it they could. The hon. gentleman then attempted to show that there was really no great difference of opinion at all between the two Solicitor Generals. He thought the Solicitor General West had argued the matter correctly, but at the same time he did not think the Solicitor General East was very much to blame for desiring delay. In the present case he did not see that delay would do any good, but he was not prepared to say that in no case should the House grant a delay of a day or two, to afford time for looking into the Report of an Election Committee.²⁶

MR. BROWN was astonished that the Attorney General should treat so slightly such a marked difference of opinion between the Law Officers of the Crown, to whom, above all others, the charge of the privileges of this House was entrusted. (Hear, hear.) The Solicitor General East stated that certain of the parties interested in this election should have an opportunity of examining

the Committee's report, to see if there had been any error. The Solicitor General West on the other hand, declared that the decision of the Committee was final, and that the parties in the contest were debarred from making any appeal to this House. And then the Attorney General East informed the House that it was a matter of no importance whatever, and treated it as only a source of amusement! The hon. member for Renfrew came to the rescue, and said it was a mere matter of difference between hon. gentlemen representing different sections of the Province. He (Mr. Brown) considered it to be a most important matter, and one on which the law officers of the Crown should have been agreed, as a most injurious precedent might be set for the future. When they listened to the opinions of gentlemen of high legal standing, the Solicitor and Attorney Generals West and the President of the Council on the one side, and the Solicitor and Attorney Generals East and the Provincial Secretary on the other, and found them to be perfectly antagonistic to each other, what was the House to make of it? (Hear, hear.) The hon. member for Renfrew had set up a very ingenious (sic) argument in defence of those diversities of opinion. He said it all arose from the fact that the election systems of the two Provinces were different before the Union. But he would like to know which of those hon. gentlemen were in the House before the Union? (Hear, hear.) Had it not been for the opinion of so many learned gentlemen, he (Mr. Brown) confessed he would have had no doubt upon the point. He could not understand how any decision of an Election committee could be interfered with in any shape. The only serious matter, it appeared to him, was, that the law officers of the Crown, by disagreements among themselves, had thrown away three precious hours on a Government night, in discussing an objection raised by the Solicitor General, which some of the members of the Government themselves scouted as perfectly ridiculous. (Hear, hear.) With such important measures to get through with as the Feudal Tenure, Clergy Reserves, Grand Trunk and Banking Bills, he was surprised that the gallant [k]night at the head of the Government should have allowed so much valuable time to be thrown away on a matter on which there could be no doubt. (Hear, hear.) He was astonished that any lawyer should have raised an argument to delay the decision of a case in which there had been 14,000 votes polled, and only 1600 legal voters. (Hear, hear.)²⁷

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*Mr. Solicitor General Ross moved in amendment to the Question, seconded by Mr. Lemieux, That the words "not now" be inserted between the words "do" and "issue," and that the words "but that the consideration of the Question be postponed until Tuesday next, and that in the mean time the Report of the Select Committee on the Saguenay Election Petition be printed for the use of the members of this House" be added at the end thereof;*²⁸ *the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

Messieurs Blanchet, Cartier, Chauveau, Desaulniers, Thomas Fortier, Lemieux, Morin, O'Farrell, Poulin, Rhodes, Solicitor General Ross, Taché, Thibault, and Turcotte.--(14.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Biggar, Bourassa, Brodeur, Brown, Casault, Cauchon, Cayley, Chabot, Chisholm, Cook, Crawford, Charles Droust, Jean B. Droust, DeLong, DeWitt, Dionne, Dufresne, Eglon, Fergusson, Flint, Foley, Octave C. Fortier, Fournier, Fraser, Galt, Guérin, Hartman, Holton, Jackson, Langton, Laporte, Larwill, LeBoutillier, Lumsden, Macbeth, John S. MacDonald,

Attorney General Macdonald, Roderick McDonald, Mackenzie, Sir A.N. MacNab, McCann, McKellic, Marchildon, Mason, Mathie, Mauger, Merritt, Moore, Murray, Papin, Patrick, Polette, Prevost, Robinson, Southard, Sten, Thomas Smith, James Smith, Somerville, Spence, Timpill, Valois, Wilson, Wright, and Young.--(C.P.)

So it passed in the Negative.

Then the main Question being put;

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Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the Election of a Member to serve in the present Provincial Parliament for the County of Saguenay, in the room of Pierre Gabriel Huot, Esquire, whose Election has been determined to be void.

George K. Chisholm, Esquire, Samuel Black Freeman, Esquire, James Moir Ferres, Esquire, Pierre Eustache Dostaler, Esquire; Chairman, Michael Hamilton Foley, Esquire, being the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over:--And James Moir Ferres, Esquire, again not appearing within one hour after four of the clock;

On motion of the Honorable Mr. Merritt, seconded by Mr. Langton,

Ordered, That the 76th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Mr. Langton read in his place, and handed in to the Clerk, a Certificate under oath by Doctor J.L. Russell, stating that Mr. Ferres is under his care, professionally, and confined to the House by his advice.

On motion of Mr. Langton, seconded by Mr. Cartier,

Resolved, That the absence of Mr. Ferres, as certified to this House by his Medical Attendant, and verified upon oath, is sufficient cause why his attendance should be dispensed with.

Ordered, That the Petition complaining of an undue Election and Return for the County of Argenteuil, be referred back to the General Committee of Elections.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, pursuant to an Address to his Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 18th September last, praying His Excellency to cause to be laid before the House, a Return shewing the number of Tenants upon Indian Lands, or persons due the Indian Department, or its Agents, in whole or in part, for lands in Haldimand County by them severally purchased.

By Command,

Secretary's Office

Pierre J.O. Chauveau,

Quebec, 15th November, 1854.

Secretary.

Indian Office, Quebec, 10th November, 1854.

Reply to the Address of the Legislative Assembly to His Excellency the Governor General, praying His Excellency to cause to be laid before the House a Return shewing the number of Tenants upon Indian Lands, or persons due the Indian Department or its Agents, in whole or in part, for lands in Haldimand County by them severally purchased.

To the first enquiry, "The number of Tenants?"--Answer: None.

The second enquiry, "The number of persons due the Indian Department or its Agents?"--

Answer:--Persons due (in the County of Haldimand) to the Department are five hundred and fifteen. Nothing due to Agents. Place where due, viz:--

In the Township of <u>Dunn</u>	7	
In the Townships of <u>North</u> and <u>South Cayuga</u>	129	
In the Township of <u>Seneca</u>	149	
In the Township of <u>Oneida</u>	112	
		397
In the Town of <u>Cayuga</u>	96	
In the Town of <u>Caledonia</u>	22	
		118
		515

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The terms on which the Sales are made by me, one-third paid down, the residue payable in six equal annual instalments, with interest from date of purchase till paid.

David Thorburn,
Special Commissioner, Six Nations Indian Lands.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend William Mair and others, Electors of the County of Argenteuil; setting forth: That the suffrages and political rights of the Petitioners, and of the body of Electors in the County of Argenteuil, were violated by the following facts attending the Election of Sydney Bellingham, Esquire, then and probably still Secretary of the Montreal and Bytown Railway Company, viz:--Firstly, That three hundred and ninety-eight Votes were recorded and returned in favor of the said Sydney Bellingham, Esquire, in the Poll List in and for the Township of Gore: That the said Township, the Petitioners believe, could not have returned more than about eighty legal Votes at the time in question, and that the pretended majority of three hundred Votes on which said Bellingham was declared, is wholly wrong and unfounded in fact: Secondly, That a great many of the Electors of the said County favorable to and attempting to vote for Robert Simpson, Esquire, a Magistrate, and a proprietor of large and real Estate in the said County, a Candidate at the said Election, were driven from some of the Polls at the said Election by bands of Railway laborers, strangers in the County, led by Railway sub-Contractors, some individuals of the bands in question being armed with fire arms, and all with bludgeons and other weapons: That the Petitioners verily believe, that notwithstanding the said outrages, the actual majority of legal Votes recorded for the Election was in favor of the said Simpson: That the Petitioners have painfully felt the proceedings attending the said Election, the want of sufficiently strong penal enactments against the Officers engaged in and for the execution of Writs of Election for Parliament in this Province, and especially do they feel the want of sufficient check or penalty for contravention of Law and disregard of Oath on the part of such Officers; and praying that the House will be pleased to do whatsoever it may deem necessary for the relief of the Petitioners in this respect, now and hereafter.

Of the President, Directors, and Company of the London and Port Stanley Railway Company; praying for certain amendments to their Act of Incorporation.

Of N. Samuels and others, of the City of Montreal; praying an Act of Incorporation as the German and Polish Congregation of the Jewish Persuasion in the said City.

Of the Right Reverend the Roman Catholic Bishop of Montreal, and others, of the District of Montreal; praying the adoption of more effectual measures for the suppression of Intemperance.

Of the Reverend J. Grey and others, of the Township of Orillia; and of George Hamilton and others, of the Village of Flora, Township of Wellington; praying for the passing of a Prohibitory Liquor Law.

Of Charles Magill and others; complaining of the acts of the Officers of the Indian Department with reference to the Settlers on the Indian Lands of the Grand River, and praying relief in the premises.

Of Abner Hurd and others, of the Village of Prince Albert, Township of Reach; praying for the passing of an Act to incorporate a Company for the construction of a Railway from Port Perry, on Lake Scugog, to some point on the Ontario, Simcoe, and Huron Railway, between Toronto and Newmarket.

Of the Corporation of the Petit Seminaire de Ste. Thérèse; praying for aid.

Mr. Fergusson, from the Standing Committee on Miscellaneous Private Bills,

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presented to the House the Twelfth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the several undermentioned Bills, and have agreed to certain amendments to each, which they beg to submit for the consideration of Your Honorable House:

Bill to amend the Act incorporating the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of Montreal and St. Hyacinthe:

Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes:

Bill to increase the Capital Stock of the Commercial Bank of the Midland District:

Bill to increase the Capital Stock of the Bank of Upper Canada:

Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank:

Bill to erect the Town of Bytown into a City, under the name of the City of Ottawa:

Bill to incorporate the Saint Francis Bank.

Ordered, That the Bill to increase the Stock of the Commercial Bank of the Midland District, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next, and be then the fourth Order of the day.

Ordered, That the Bill to increase the Capital Stock of the Bank of Upper Canada, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next, and be then the fifth Order of the day.

Ordered, That the Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next, and be then the sixth Order of the day.

Ordered, That the Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next, and be then the seventh Order of the day.

Ordered, That the Bill to incorporate the Saint Francis Bank, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a

Committee of the whole House, for Monday next, and be then the eighth Order of the day.

Ordered, That the Bill to amend the Act incorporating the Brockville and Ottawa Railway Company, as reported from the Standing Committee on Railroads, Canals and Telegraph Lines, be committed to a Committee of the whole House, for Wednesday next.

On motion of Mr. Crawford, seconded by Mr. DeLong,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company," be read a second time on Wednesday next.

Ordered, That the Bill to amend the Act incorporating the Mutual Assurance

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Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of Montreal and St. Hyacinthe, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That Mr. Rhodes be added to the Select Committee appointed to make arrangements for the better Ventilation of this House.

Ordered, That the Bill to incorporate the Quebec and St. Francis Mining and Exploring Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Sorel, Drummondville and Richmond Railway Company, and have made several amendments thereto, which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate the Sorel, Drummondville and Richmond Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Honorable Mr. Cayley have leave to bring in a Bill to regulate the time of payment of Bills and Promissory Notes which may fall due on legal Holidays.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to confirm a certain Survey of the Township of Bedford.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

MR. PRES. EX. COUN. MACNAB moved the House into Committee to take into consideration the Message of His Excellency the Governor General, recommending to the consideration of this House, the propriety of granting the sum of twenty thousand pounds, for the relief of the widows and orphans of the soldiers, sailors and marines, of the allied armies and navies who have fallen, or may hereafter fall, in the contest in which England and France are now engaged.

He moved a resolution to the effect that £----- be voted for the above mentioned purposes. He said it is my intention to move to fill up this blank with £20,000 sterling. The desire of the Government is, to meet the wishes of the House as far as possible. Before the matter was brought before the House on the last occasion, I endeavored to ascertain from hon. gentlemen on both sides of the House what would be the proper sum to fill up this blank with.²⁹ The general answer was £20,000 or £20,000 sterling. One or two mentioned £10,000,³⁰ but I thought that when the object of this provision was taken into consideration, that this money is to be expended in the support of the widows and orphans of the gallant men who are now fighting the battles of we may say, the civilized world, and that by the last accounts the number of killed and dead by disease at the seat of war is about 16,000, under these circumstances I do not think that the sum of £20,000 sterling would be too much to vote.³¹ (Hear, hear.)³² It will not be but three pence halfpenny a piece to every person in this country, where we are enjoying a greater measure of prosperity than most other nations. I think that there is not a man, who if he was asked to give his three-pence, half-penny, shilling or more, for the support of the widows and orphans of the brave fellows that have fallen in the present war, but who would return the answer in the affirmative. (Hear, hear.) Let us feel that although we live separated from those carrying on the war and cannot lend our helping hand at the battle field, that our sympathies are roused at humanity's call.³³ In these circumstances he felt that he was discharging not only an agreeable duty, but a duty which they were bound to discharge on an occasion like the present³⁴. Mr. Chairman, I shall move the adoption of the Resolution in your hands.³⁵

The Chairman [MR. GAMBLE] read the resolution.³⁶

MR. DEWITT. Are the widows and orphans of those who have died from sickness to receive any benefit under this vote?³⁷

MR. PRES. EX. COUN. MACNAB. Certainly.³⁸

MR. GALT said, Mr. Chairman I rise with the greatest pleasure, Sir, to second the motion of the hon. and gallant Knight because while entering as fully as he can do into the importance at this moment of testifying our sympathy with our gallant troops in the east, it affords me the opportunity that I have long desired, of refuting those charges which have been so liberally bestowed on all those who have only loved England less because they loved Canada more. The opinions I hold in common with many of the best men in this Province, are founded on our convictions of the inevitable destiny of our country, and so far from being designed to alter or diminish our attachment to our Parent State, are those by which we hope in all future time to secure an identity of feeling and interest--that will bind us to our native shores with ties stronger than the feeble bands which now may at any moment be severed by the rude shock of difference on any of the quest[i]ons which now require the common action of the mother country and this country. With full constitutional freedom conceded to us, I hold Sir, that our present political state is one of constant demand on our part; and constant concession on that of England, and believing this position to be one fraught with danger, I wish like many of the noblest and best statesmen of Great Britain --to have our future fairly discussed, and fairly provided for. But, Sir, I claim in so doing, to have as warm a love for my native land as those who fill her House of Parliament. I claim as large a right to the glories of her past history--to those memories of the triumphs of the people which have endeared to us the names of Hampden, of Russell, and Wilberforce, and if I feel pride in this my adopted country, it is because I feel we are the same stock--we have the

same sentiments, and in a more exalted sphere, will extend still more widely those blessings of freedom and religious liberty, which are the pride and boast of England. If it be a crime Sir, to desire to see removed the only cause which can arouse evil passions between Canada and Great Britain--that crime be mine. If it be evil to desire that nothing should be left to rouse dissension between England and the United States--that, Sir be mine. If wrong to take the only step that can emancipate three millions of our fellow men from slavery--that fault be mine. If it be treason to desire to see our Queen rule in the heart of every free man in the world, whatever be her merely paper title--then I deny that such sentiments are deserving of the censure and reproach to which many with myself have been subjected, and while submitting to the wrong I have felt that the time might still arrive when we could show, that devotion to Canada, was not treason to England, and that our hearts throbbed as warmly with sympathy and pride for our brethren across the broad Atlantic, as in the breasts of those who have ostracised and traduced us. While therefore Sir, I grieve for the occasion that now calls upon me to address you, I rejoice that I am permitted to second an object that at once raises my pride as a Canadian; and gives vent to my sympathies as an Englishman. I will not dwell Sir, upon the happy position of Canada--blessed with peace and plenty--her fields untrodden by the step of war--her wives and children happy in the protection of those they love--her waters falling with the tide of population--her churches and her schools dotting the land so closely that the Parish bell of Trois Pistoles is echoed to the waters of Detroit--her revenues not wasted in the desolating sco[u]rge of war, but bearing fruit in all those works that animate commerce and develop the resources of our country. Such, Sir, is our position, and as we use such blessings may we hope that a merciful Providence will continue them. But while our thoughts of that war which is now raging in Europe scarcely extend beyond the excitement which marks our interest in the news of battles of triumph--and mayhap of defeat--let us for a moment try to picture those whose interests are nearer and closer to the actors--those who have staked their dearest and their nearest in the issue, and whose prayers continually ascend for protection from on high for the safety of their sole stay on earth. If I could trust myself Sir I should desire to attempt to bring before the House some faint picture of those sufferings we are now called upon to alleviate. But I feel myself unequal to this task--I would however wish to recall to your memory the events of that glorious day when our gallant troops stormed the heights of Alma, in the face of a numerous and determined foe, supported by all the fatal appliances of modern war. And when Sir, we remember the exultation which filled our breasts on hearing of that glorious victory, let us not forget the miseries that attended it. Let us remember those who fell--the poor wounded soldier left on the field of battle through the long and dreary night, neglected and forgotten by all but his Maker. Let us endeavor to conceive the thoughts that must have passed through his mind when stretched bleeding and dying on those fatal heights and let us hope that when the though[t] of his loved wife and children left desolate by his fall saddened his departing spirit, some kind angel whispered that they would be protected and relieved by that country in whose cause he had died. Surely, Sir, I need not appeal to the sympathies of this House in such a cause. Hon. gentlemen must feel it a high privilege to be able to contribute to such a holy cause, and from those blessings we enjoy, to give a small share to those who are bereft of all, but I hope and trust, Sir that the same feeling which was displayed by this House unanimously when the news of victory first reached us, will now animate us when we have learned the sad results that now attend the glories of war, and that by an unanimous vote in favor of the Resolution in your hands Sir, this House will show that it is a true reflection of the feeling

of this country--whose sympathies were never stronger in behalf of those whose homes are desolate not through their fault, Sir, but through the wicked ambition of that power which called away their sole support to fall in the cause of freedom on the shores of the Crimea.³⁹

MR. MERRITT. Mr. Chairman.--I know it is very ungracious for any honorable member to get up to oppose a resolution of this kind, particularly after the very eloquent speech that we have just heard from the honorable gentleman. I have not come forth now to prove my loyalty. It is established, and it is not by putting our hands into the public purse, and taking out £20,000 that we are to prove our loyalty⁴⁰ or generosity⁴¹. We ought to have higher motives to actuate us. The honorable and gallant Knight has told us that the Queen has issued a proclamation, calling upon her subjects to contribute to the object before us. She has done right, as also her subjects to contribute, but show me an instance where a Parliament has taken out of the public purse money for such an object before.⁴²

MR. AT. GEN. J.A. MACDONALD said it had been done in England.⁴³

MR. MERRITT. But shew me an instance in Canada of its having been done. They have done right in England. Put your hand into your pockets, and take your subscriptions; that will shew your benevolence much more effectually than by you calling upon the public for a subscription equal to three pence half-penny. It is the principle of the thing that must be looked at. Are we now to vote subsidies for this War? It is not our business to make grants for such a purpose; and again, I am not one of those who has sympathy in the War between the Turk and the Russian. I do not think we are called upon to take the sum moved for out of the public chest especially when we are in want of money ourselves.⁴⁴ He had only this day presented a petition on behalf of the widows and orphans of those who fell in the war of 1812, and if any public grant for such purposes was to be given,⁴⁵ we ought to be liberal at home before we extend our liberality to foreign shores.⁴⁶

MR. ROBINSON. Regretted to differ from the honorable member for Lincoln in this matter. The honorable member had said that they should have higher motives, and so on. What motives could be higher than those of alleviating the distresses of [t]he widows and orphans? That had been the motive which induced the honorable and gallant Knight to bring forward the motion. It was not necessary for him (Mr. R.) to take up the time of the House by addressing himself to this subject at any length as he felt that the vote would be agreed to by a large majority of the House. He was only sorry that his honorable friend (Mr. Merritt) had taken the views he had upon the matter. He (Mr. R.) had no doubt that a great many persons will put their hands into their pockets and contribute liberally in addition to agreeing to the present vote, and there was nothing to prevent his honorable friend from taking such a course.⁴⁷

CAPT. RHODES said--It appears to me that this subject is not well understood in the House and as I have been a soldier for some years in the British service, and understand all about these matters, I should like to state my views upon the subject, especially as I am disposed to vote for the sum proposed to be given towards the aid and support of the widows and orphans of those killed and who have died from disease in the present war. It is very natural for those fond of liberty and liberal institutions to come forward upon this occasion. With regard to the manner in which this question has been brought before the House, I shall leave that to orators to discuss and for those who are acquainted

with parliamentary etiquette to decide. It appears to me to be more a matter of amount than anything else--whether we can afford to vote so large a sum as £20,000 sterling. To arrive at that position it is necessary to revert to the patriotic fund to which I presume the honorable and gallant Knight intends this money to go. With regard to the history of that fund in 1803 a similar one was established in England. At that time the English army consisted of 180,000 regular soldiers, 80,000 militia, 100,000 sailors, and 300,000 volunteers. £200,000 to the patriotic fund at that time was considered to be sufficient for all purposes and in addition to that fund there were certain sums of money voted to wounded and maimed soldiers who had distinguished themselves ... in the war. Now, this Patriotic Fund in 1851 is to be limited to the relief, aid and support of the widows and orphans of those soldiers, sailors and marines who may fall in battle or die of disease during the war. The army at present upon foot in England is comparatively small to the large number of soldiers, marines, sailors, and volunteers upon foot in 1803; consequently it would appear that a very much smaller sum than £200,000 would be sufficient to answer all the purposes set forth--and upon this occasion £100,000 was considered to be quite sufficient for that purpose. I will explain for what purpose the £100,000 has been subscribed. (The hon. gentleman read a statement from the London Times, setting forth the object.) We shall be subscribing our vote of £20,000 one-tenth of that £100,000 into France and the same to England, and with regard to the remarks made by the hon. member for Lincoln, relative to our placing our hands in our pockets to subscribe for this purpose, I would wish to inform the House, that a few months ago a Central Association was formed in England for the purpose of giving relief to the wives and families of soldiers ordered to the East. That Association has already collected £100,000, which is the sum that the hon. and gallant knight alluded to. About that time we had a collection taken up in the Protestant Churches of this city, and I think it amounted to about £250, which was sent home to be added to the fund of this Central Association. Now, as I understand, we are called upon to subscribe to the Patriotic Fund, which is a distinct Fund, set apart for a different purpose to that of the Central Association. I think that a less sum than £20,000 would, upon the grounds I have laid before the House, have been sufficient to vote; but as I am an old soldier, and as it would not become me to vote in a different way, I shall go with the motion of the honble. and gallant knight.⁴⁸

MR. MCKERLIE.--I believe that the course that has been taken by the government is a wrong one. We do not exhibit any great amount of patriotism or loyalty in giving £20,000 for the purpose of relieving the widows and orphans of those who have or may fall in this war. Mr. Chairman this is no charity at all. If the honorable members of this House were each to put their hand in their pocket and give from it £5 or £10 to this cause, and after the adjournment of this House, call meetings of their constituents and induce them to also subscribe, it would be a much better proof of charity, patriotism and loyalty than that course adopted upon the present occasion (hear, hear.) If the only means that we have here of exhibiting our loyalty and patriotism, is by subscribing a sum of money for this purpose, we must be hard up for some exhibition of it. If it were a subscription of only one penny for each individual, instead of three pence half penny, I would object to it (hear, hear.) Let us put our hands into our own pockets, not into the public purse. We have widows and orphans here begging from house to house for a miserable pittance to live upon, does any honorable member come forward here and ask the House to grant a sum of money for their relief, now that the bitter cold winter is upon us. No, there is no

sympathy for them. Such a demand would not be considered to be a sufficient exhibition of loyalty, patriotism and charity as this under discussion. I shall vote against the motion; but I shall be as willing as any member of this House to give according to my means in support of the widows and orphans of the killed, and to go to my own constituents and induce them to contribute of their own free will to this object. I shall oppose voting £20,000 or £1000 because I believe that it is wrong in principle to do so.⁴⁹

MR. HINCKS.--Mr. Chairman, it is all very well to hear honorable gentleman (sic) talk about voluntary subscription and to hear them say, how cheerfully people would give their subscriptions. My conviction is Mr. Chairman, that those who support this vote by the Province of Canada for the Widows and Orphans Fund, will be the very first to come forth with their voluntary subscriptions, when the time arrives, and that those who are sheltering themselves under the pretence of voluntarily subscribing, will be the last to come forward (hear, hear, hear.) Mr. Chairman, I confess that I am mortified to hear the honorable and gallant member who represents Megantic, make the observations, that have fallen from him in this House. I had hoped to hear from that honorable and gallant member a very different expression of feeling upon this subject; such as would be looked for from one who has been in the service, although I cannot believe, that any person who has been in an engagement like that at the Heights of Alma would have made such observation as he had. I doubt very much whether the honorable gentleman has ever seen such an engagement, although he has been in the service (hear, hear.) I cannot believe that any honorable gentleman would come forward and speak in the manner in which the honorable gentleman did, upon the paltry sum that we are called upon to contribute. For my own part I tender my thanks, as an independant member of this House, to the honorable and gallant knight who has introduced this measure into the House, and I believe that I express the feelings of a large number of the honorable members of this House, when I say that if the honorable and gallant knight had proposed one shilling less than he has done I should have been dissatisfied (hear, hear,) and rather than he should have come forward with a paltry and insignificant sum I would rather that the proposition had never been made (hear, hear,) because I do not think that any less sum voted, would have been creditable to the country. (hear, hear.) When this question was last under consideration,⁵⁰ during this and the previous discussion,⁵¹ I heard observations made, which I confess caused me deep mortification. I say that if in England there was no question raised as to the constitutional powers of Parliament in voting a sum of money for this purpose, enabling them to do so, why should there be any raised ... here. But there is one fact which ought to be stated and impressed upon the minds of honorable gentlemen, more particularly upon French Canadians, and that is, that at the time this City of Quebec suffered so seriously from the disastrous fire that occurred some years ago, the whole people of England and the Imperial Parliament raised large contributions for the relief of the sufferers. No question was there raised as to the constitutionality of what Parliament did. But there was another class of persons in this country, who although not called upon to shew any great sympathy upon that occasion came forward and evinced deeply; he alluded to the British army, (hear, hear.) Each man from the Colonel down to the lowest man contributed one, two or three days pay towards the relief of the sufferers by that fire,⁵² (Cheers)⁵³ and I cannot help recollecting (especially upon hearing the observations that I have) that one of that (sic) regiments that came forward ... upon that occasion, at the time when the people of Quebec were suffering as they did, was the gallant 23rd Fusileers, (hear, hear, and loud

applause.) Yes, it was they who came forward and⁵⁴ when those soldiers contributed here, one day's pay was a quarter of a dollar a head for every man of them.⁵⁵ When I think what that gallant regiment did at the Heights of Alma, and (sic) remember that we all knew them in this country, and the sufferings of the families bereaved by the loss of many of that regiment, and the officers who were cut down really--I don't know how any man could stand up, and oppose this vote when they recollect what this regiment had done, (great emotion and cheering.) How any man in this House could hesitate about this paltry sum,⁵⁶ of five cents a head for the whole population of this country,⁵⁷ I do not know.⁵⁸ He regretted that the gallant member for Megantic should have been the man to stand up and lend his countenance to any paltry feeling on this occasion, but he thanked from his heart the hon. and gallant Knight for the manner in which he had come forward with this resolution, and he had no doubt he would be supported in it by the House. (Cheers.)⁵⁹

CAPT. RHODES in reply to the allusion made to him by the honorable member for Renfrew said he was glad that the honorable member had alluded to him, for it had afforded him (Mr. Hincks) an opportunity of delivering what might be considered to be a very fine patriotic speech upon that occasion, but the reasons why he (Capt. R.) had taken the course he did he fully explained. He had not waited for this motion being brought forward, but he had subscribed money⁶⁰ months ago ... freely, and out of his own pocket,⁶¹ to the Fund raised in England in the Church of his God. He had not intended to mention this, but felt himself called upon to do so after what had fallen from the honorable member for Renfrew. He (Capt. R.) was in favor of voluntary contributions,⁶² but when they were asked to vote away the money of other people, he thought he was justified in making the remarks he did⁶³, as he considered that although the sum mentioned by the honorable and gallant knight was large, yet the government best knew what sum the country could afford to give to this purpose and as he stated before that he should vote for the motion, he did not see why he should be alluded to by the honorable member for Renfrew in the way that honorable member had done.⁶⁴ And on the occasion of the Quebec fire, being in England at the time, he had subscribed, not a day's pay, but pounds to the relief of the sufferers, out of his own resources.⁶⁵

MR. PRES. EX. COUN. MACNAB. This proposed grant of £20,000 would not fall half so heavy upon the people of this country, as three days pay would upon the soldiers. The honorable member for Megantic was wrong in his views upon the sums that were voted by the Imperial Parliament in 1803. Large sums were voted at that time, and the fund then raised amounted to £500,000⁶⁶ [OR] £600,000, and not £200,000 as stated by that hon. member. He sincerely regretted that those remarks should have been made by the hon. and gallant member, who, he believed, belonged to a very distinguished corps--whether they formed part of the troops at the heights of Alma or not, he did not know.⁶⁷

MR. RANKIN was very sorry to see that so much discussion had taken place upon the question, as it was one that he had hoped would commend itself to the humanity and good feelings of every member of that House. He could not have believed it possible that any person professing to be influenced by humane feeling could have opposed so kind and benevolent a proposal as was that under consideration. But it did not appear to him that this was a question of loyalty. Honorable members were not in that House for the purpose of swaggering or boasting about loyalty or feelings of humanity. Without entering into a consideration of the merits of the war or pausing to ask whether the war was a just one or not, the House was simply asked to vote a sum of money to relieve the sufferings

of those who had lost their protectors and supporters by the war. He thought that it reflected very great discredit upon the heads and hearts of those who opposed such a humane proposal.⁶⁸

MR. WILSON regretted⁶⁹ very much⁷⁰ to have heard the observations that had fallen from the honorable member for Renfrew, and that his judgment had failed him in his reference to the honorable and gallant member for Megantic.⁷¹ He could well understand the warm feelings of the hon. member for Renfrew, but it was not just for him to say that because others had not precisely the same feelings, therefore their motives were not so good as his. The tone of the remarks of the hon. member for Megantic, shewed that he possessed⁷² that very temperament that the noble men had who possessed themselves of the heights of Alma. (Hear! hear!)⁷³ [It] would have made him a useful man on the heights of Alma⁷⁴. It would have ill become a soldier had that honorable gentleman allowed his feelings to have been so transported as the honorable member for Renfrew had. (Hear! hear!)⁷⁵ That single fact would have shewn that he was unfit to be a soldier. He thought the House was indebted to the hon. member for Megantic for the information he had communicated. He (Mr. Wilson) approved of the sum mentioned by the hon. and gallant knight, but he maintained that no man would have had any right to impugn his motives, although he had thought that £20,000 currency, or even £15,000 would have sufficed. (Hear, hear.)⁷⁶ All hon. members should feel at perfect liberty to state their views without having their motives impugned, or being subjected to such unmeasured censure.⁷⁷

MR. HINCKS denied that he had impugned the motives of any honorable gentleman⁷⁸ and appealed to the House to say whether he had⁷⁹.

Cries of No! No! No!⁸⁰ by several honorable gentlemen near him.⁸¹

MR. MARCHILDON opposed the grant. He thought the European Governments who sent the husbands and fathers to the field of battle, should provide for the widows and orphans left destitute.⁸²

MR. PAPIN also opposed the grant, and said that the gallant Knight at the head of the Government, and his Conservative friends had shewn very little sympathy in 1849 for the widows and orphans of those who fell in 1837 and '38.⁸³ He regretted that Mr. Hincks had not been in the Crimea, for if he had, and had shewn as much impetuosity in battle as he had in the House, there could be no doubt that Sebastopol would have fallen long ago. It was very chivalrous, to be sure, to vote away immense sums for the relief of the widows and orphans of English and French soldiers, and it would sound largely and magnificently abroad, but when the widow of an old Canadian hero who had laid down his life in defence of his country came to ask for aid in her time of adversity and indigence, her application was treated with cold neglect.⁸⁴

MR. CAUCHON [spoke] in French⁸⁵. [He] faced the member for L'Assomption (Mr. Papin), and began by saying, that if questions were to be decided by the amount of voice, the hon. member would be a hero, and victory would always perch upon his banners. He (Mr. Cauchon) could not see any reasonable ground of objection to the proposed vote. It was but a small acknowledgment for the munificent relief afforded to the sufferers by the devastating conflagration which had reduced a great part of Quebec to ashes. It was a token if (*sic*) our heartfelt approbation of the magnanimous motives which had moved the two illustrious countries, from which the population of Canada had sprung, in undertaking this war. It would be a grateful tribute from the sons of France and England in Canada to the stricken and sorrowing widows and orphans of their

brethren, slain to uphold the weights of humanity and the honor of our fatherlands.⁸⁶

MR. COM. CR. LANDS MORIN, followed in a short speech⁸⁷ in French⁸⁸. He denied that the petition of the widow referred to [by] Mr. Papin, had been treated with neglect. The reverse was the fact; it had been taken into consideration, and action of a satisfactory character had already been taken in the premises, although but a few days had expired since it was received.⁸⁹

MR. SOL. GEN. D. ROSS also supported the grant. He felt disappointed that any one Frenchman should oppose it, when they considered what England had done for Quebec on the occasion of that disastrous fire which had been alluded to. The sum then received by Quebec from all quarters amounted to upwards of £160,000, and from Liverpool and Manchester alone, there came as much as this Province was now asked to contribute.⁹⁰ He fully supported the vote.⁹¹

MR. FOLEY said that at first he had felt some doubts on the subject, but a little reflection had satisfied him that he would not be doing justice to his own feelings or those of generous hearted people whom he represented, if he did not vote for the sum named by the hon. and gallant Knight at the head of the Government.⁹²

MR. SCATCHERD said this was a question in what way Canada should contribute to the aid of the widows and orphans of those killed in the present war, whether by a vote of the House or voluntary contributions by the people. His opinion had fluctuated in the same way as that of the last honorable member. He was now in favor of the motion. He hoped that the honorable members of the House would not only vote for it⁹³, unanimously⁹⁴, but that the people would contribute just the same as if no vote was passed.⁹⁵ He believed the people throughout the country would not make this public vote an excuse for withholding their own individual contributions.⁹⁶

MR. COM. PUB. WORKS CHABOT, in French, spoke strongly in favor of the motion.⁹⁷ It was, not as had been alleged, an unprecedented course. When Miramichi was burned the Parliament of Lower Canada had voted £3,500 for the relief of the sufferers, and that sum, relatively considered, was far greater than that which it was now proposed to give.⁹⁸

MR. BUREAU opposed the motion.⁹⁹ £7000 of the claims under the Rebellion Losses Act were still unpaid.¹⁰⁰ The Sp. would not consent to it unless £7000 were voted to complete the indemnity due to the sufferers in Lower Canada by the rebellion of 1837 and 38.¹⁰¹

MR. DUFRESNE was in favor of the motion. He regretted the allusions that the last speaker and the honorable member for L'Assomption, (Mr. Papin) had made to past bad feelings¹⁰². [He] regretted that some hon. members should have introduced into this discussion the bitter feelings connected with former events, which every lover of his country would wish to see buried in oblivion.¹⁰³ [He] would take the responsibility. He knew that in every country there were small men who would object to the course of Parliament in this matter. They would be found caballing at the Church doors, and endeavouring to excite dissatisfaction, but the large body of the electors were men of sense and hearts, and from one end of the country to the other the overwhelming majority would heartily approve the vote.¹⁰⁴ As to the sum proposed, he at first thought it somewhat large, but he was quite willing that the matter should be gone through with in a liberal spirit.¹⁰⁵

MR. YOUNG said the resolution before the chair had his hearty approval and he was sure it would also meet with that of his constituents. He thought[t] this was the best mode of contributing to the relief fund as part of the sum came from the pocket of every man in the country.¹⁰⁶

MR. INSP. GEN. CAYLEY considered it was a privilege to be able to vote a sum of money for such a purpose. We could not shew by any better means our sympathy in the war.¹⁰⁷

DR. CHURCH briefly expressed ... [his] sentiments in favour of the grant.¹⁰⁸

MR. LABERGE regretted that he should have to oppose the resolution.¹⁰⁹ This he would do in the face of the evident blame with which he would be visited by many members, and in the face of misrepresentation. It would be far easier and far more pleasant to go with the current, but he confessed that he had not such large sympathies as the hon. member for Montmorency, who had actually shed tears over the misfortunes of widows and orphans of France and England. The war undertaken by these two nations was a political war. They had taken up the quarrel voluntarily. The death of men in war was an invariable result, and of course they left widows and orphans. The countries fighting were bound to provide for them, and they would no doubt do it liberally. To vote £20,000 was simply to give it for war purposes.¹¹⁰ Besides being able to find better uses for this money in Canada, such a grant would be a mere subsidy to assist Great Britain and France in carrying out the war, and that House might as well vote for a grant to buy cannons, powder,¹¹¹ bullets¹¹², &c. This was the reason that made him mainly oppose the motion.¹¹³ It was the subsidy of Canada to the Russian war. The widows and orphans would not get one penny the more for our gift. It would just save so much to Great Britain and France, and release £20,000 for the war.¹¹⁴ He did not think that Canada as a colony of Great Britain should mix itself up in the wars of the mother country. If any distress¹¹⁵ of those widows and orphans¹¹⁶ from natural causes, such as famine should arise in Great Britain,¹¹⁷ he would cheerfully support the motion¹¹⁸. He would be willing to vote a sum commensurate with the resources of the province on its relief¹¹⁹, but as it was the necessary and unavoidable result of a deliberate policy, he would go against it.¹²⁰

MR. TURCOTTE ... [spoke] in French¹²¹. [He] deeply regretted to hear such language from the lips of one of his young countrymen; and he was surprised at the course taken by the honorable member for L'Assomption. Here we had honorable gentlemen making loud professions to be liberals par excellence, refusing to express sympathy in a war that was undertaken solely in the cause of freedom, and to curb the aggressions of a tyrant who aimed at the dominion of the world.¹²² It was not true that the war in which France and England were engaged against Russia was one in which any sordid motives entered. It was undertaken in the interests of suffering humanity. It was a war of great principles, it was human liberty and progress fighting against brute force and savage despotism. Our parent nations were interposing the hearts of their sons as a rampart against the invasions of a barbarous tyrant, who had fixed his greedy eyes upon the fair demesnes of his feeble neighbor, and who, if not arrested in his atrocious course, would go on subjugating one after another of the weaker governments of Europe to his giant sway. Humanity, liberty, the dearest and most sacred rights of man, were involved, and it was a noble and magnanimous undertaking of England and France to put a barrier to his rapacity.¹²³ This war was preeminently a war of freedom. It was the cause of liberty against tyranny. He (Mr. T.) could not doubt that [these] were the feelings of the majority of his countrymen with respect to it.¹²⁴

Loud French cheering.¹²⁵

[MR. TURCOTTE continued:] Did they entertain other feelings than those sympathetic ones which he knew animated their breasts? Did the majority of those who spoke his mother tongue in the House entertain such sentiments as those of the honorable member he had alluded to?--He for one, could only say that he should be ashamed of his country and his religion. (The honorable member spoke with much earnestness, and this last remark was greeted with very loud cheering and clapping of hands.) He said he did not apologize for speaking warmly because he felt strongly.¹²⁶

MR. BROWN thought it would have been much better, had this grant been allowed to pass without any discussion, but now that so much had been said on the subject, he would not like to give a silent vote. For his own part, he should vote for the resolution with the utmost cordiality and he believed a more popular vote was never given by the House of Assembly than this one. (Hear, hear.) He believed that the sympathies of the people of Canada were heartily with the Allies in the war that was now being waged in Europe, and he was quite sure that the deepest sympathies of the people were called forth on behalf of the parties to be relieved by this grant. (Hear, hear.) He thought also that in tendering her mite on the present occasion, Canada would occupy a very proper and becoming position. Considering the many kindnesses and favors she had received from England, it was most becoming that she should take this opportunity of evincing the feeling she entertained of the relations which had subsisted during her long connection with the mother country. (Hear, hear.) And never had a better opportunity presented itself of showing that feeling in an appropriate manner. As regarded the amount of the grant, he thought the sum named in the resolution was exactly the sum which should be offered on this occasion; and that a less sum than this would not have been worthy of the people of Canada. (Cheers.)¹²⁷

MR. HARTMAN also spoke in favor of the vote¹²⁸.

MR. BROWN said ... it [the resolution] ought to pass without division.¹²⁹

Motion put and carried without division, and another resolution to fill up the blank with £20,000 sterling, was also carried without division.¹³⁰

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On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Morin,

Resolved, That this House will immediately resolve itself into a Committee, to take into consideration the Message of His Excellency the Governor General, recommending to the consideration of this House the propriety of granting the sum Twenty thousand pounds Sterling, for the relief of the Widows and Orphans of the Soldiers, Sailors, and Marines of the Allied Armies and Navies who have fallen or may hereafter fall in the Contest in which England and France are now engaged.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gamble reported, That the Committee had come to a Resolution.

Ordered, That the Report be now received.

Mr. Gamble reported the Resolution accordingly; and the same was read, as followeth:--

Resolved, That there be granted to Her Majesty, the sum of Twenty thousand pounds Sterling, to enable Her Majesty to pay the like sum to the Widows and

Orphans of those of the Soldiers, Sailors, and Marines who may have fallen or who may hereafter fall in the Contest in which England and France are now

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engaged, to be equally divided between the wounded, the widows, and the orphans of both Nations.

The said Resolution, being read a second time, was agreed to unanimously.

MR. PRES. EX. COUN. MACNAB said it was better to do the thing handsomely, and receive the report of the committee at once.¹³¹ [He] then moved that an humble address be voted to the Governor General, to thank his Excellency for his gracious message of the 9th instant, recommending to the consideration of this house the propriety of granting the sum of twenty thousand pounds sterling, for the relief of the Widows and Orphans of those of the soldiers, sailors, and marines of the allied armies and navies who have fallen, or may hereafter fall, in the contest in which England and France are now engaged; and to assure his Excellency that this house will most cordially concur in any proposals which may be submitted to its consideration for so humane and commendable a purpose.¹³²

MR. GAMBLE, before the resolution was put, wished to say a few words expressive of his hearty concurrence in it, as a native Canadian descended from one of the U.E. loyalists. In giving expression to his feelings, it would not be in his power to speak in the cool manner, and cold calculating spirit, which particularly distinguished the remarks of the honorable member for London--a spirit which would destroy every benevolent feeling, which would check every generous emotion, which would close up the fountain of the affections, and make a solitude of the heart. He felt that he could not speak in that spirit on such a subject. Like the honorable member for Renfrew, he felt that there was too much Irish blood flowing in his veins to allow him to limit his feelings in a matter of this kind. He had heard repeatedly urged to-night the liberality of England as evinced on the occasion of the destructive fires in Quebec, but he could go farther back than that. He could go back to the time of the war of 1812, he would appeal to the honorable member for Lincoln (Hon. Mr. Merritt) and would ask him if he did not remember the contributions which then flowed in from England, in aid of their Patriotic Society in behalf of the widows and orphans of those who fell in that war in defence of their country. And he would ask him whether there was no legislative enactment then to pour forth the wealth of England in order to make up the losses sustained by the loyal inhabitants of Canada. He could look back to 1812, when his father died and left a large and helpless family, and a widow with little to support her. He could remember the time of his death. His was a soldier's funeral, and the sound of those notes he heard as he stood at his grave, had always echoed in his ears, and would resound there till he himself lay in the same place. But were they left to starve? No! The people of England bestowed upon himself and his helpless brothers and sisters a sum of money to support and educate them, and they gave a pension to his widowed mother, who lived long to enjoy it. He felt then that he would be ungrateful, not only as a Canadian but as an individual, if he did not give this vote his hearty concurrence¹³³. Now in the time of Canadian prosperity it would be the basest and blackest ingratitude to hesitate to contribute to the relief of the sufferings of the orphans and widows of those brave men who had fallen or would fall¹³⁴ defending the liberties of the world¹³⁵ in the present war.¹³⁶ (Cheers.)¹³⁷

MR. J.S. MACDONALD (Glengary) said that if he did not express himself so warmly as the honorable member for Renfrew, it was not because he had any less

measure of attachment to the country from which his ancestors came. He thought at first that a less sum than that named would have sufficed, but on consulting his friends around him and learning that they were generally in favour of the larger sum, he cheerfully accorded his support to the resolution. (Hear, hear.) In doing so he had no doubt of the hearty concurrence of his constituents, who, on the occasion of the famine in 1847, shewed in the most generous manner their sympathy for the wants of the sufferers in the mother country. (Hear, hear.)¹³⁸ [He] urged Mr. Merritt not farther to oppose the motion, and to let it pass without the calling of the yeas and nays.¹³⁹

MR. MERRITT consented¹⁴⁰.

MR. MACKENZIE ... called for ... the yeas and nays¹⁴¹.

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On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Morin, Resolved, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Message of the ninth instant, recommending to the consideration of this House the propriety of granting the sum of Twenty thousand pounds Sterling, for the relief of the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies who have fallen or may hereafter fall in the Contest in which England and France are now engaged; and to assure His Excellency that this House will most cordially concur in any proposals which may be submitted to its consideration for so humane and commendable a purpose.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Galt, Resolved, That the following humble Address be presented to Her Majesty:

To the Queen's Most Excellent Majesty,

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal Subjects, the Legislative Assembly of Canada, pray that Your Majesty will be graciously pleased to accept our cordial congratulations on the glorious victory achieved by Your Majesty's brave Army and gallant Allies, on the Heights of Alma, in the Crimea, on the 20th day of September, 1854; a victory that must ever be memorable in the History of Nations, as well for the deeds of valour and self-devotion displayed by the Allied Armies, as for its important effects on the future peace and welfare of the civilized world.

At the same time we condole with Your Majesty, and sympathize with all classes of Your Majesty's loyal people, for the great loss of life which has arisen from this fierce and bloody struggle against the enemy of Europe, the sufferings of the numerous wounded in the Army of Your Majesty, and that of Your Allies, and the desolation of the Widows and Orphans of those brave men who have fallen in the hour of victory, courageously fighting in the cause of European liberty.--Moved by these considerations, by sentiments of sympathy and compassion for the suffering survivors, and the sorrows and privations of those who have been left widowed and fatherless, by this fearful Contest, we desire the privilege of contributing towards the Fund for the relief of the bereaved and afflicted Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest. And we pledge ourselves at the earliest opportunity which the forms of Parliament allow, to place at the

disposal of the Commissioners appointed by Your Majesty for receiving the same, our humble aid towards so humane and commendable a purpose.

And we humbly request that Your Majesty will be graciously pleased to cause our contribution to be divided in equal proportion, between the Wounded, the Widows, and the Orphans of Your Majesty's gallant Army, and those of the Army of Your Majesty's Imperial Ally, the Emperor of the French.

The said Address, being read a second time, was agreed to.

On motion of MR. PRES. EX. COUN. MACNAB,¹⁴²

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Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors that this House hath adopted an Address to Her Majesty on the subject of relief to the Widows and Orphans of those of the Soldiers,

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Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Sir Allan N. MacNab do carry the said Message to the Legislative Council.

Ordered, That the Orders of the day be now read.

And the Order of the day for the House again in Committee on the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada, being read;

The House again went into committee on the Grand Trunk Railway bill, and the 20th clause was read.¹⁴³

MR. J.S. MACDONALD (Glengary) repeated the objections he had formerly urged to extending the provincial guarantee over the whole of the Company's works, and thereby diminishing the certainty of the main line being ever completed, to which it was originally given. The money was going to be swamped in paying for work already done, and if so, what security had they that, when the House again met in February or March, the Company would not come down, and ask them either to take the remainder of the works off their hands, or give them a further sum of money for their completion? It was too much to ask the Province in this summary way to complete the bargain made on his own authority by the hon. member for Renfrew, in some bank parlour in London with the Glyns and the Barings, who already had the Province bound hand and foot, so that they could enter into no scheme without previously asking their permission. He could see the eagerness with which the late Inspector General was endeavouring to carry out this private bargain. Not satisfied with the vote of want of confidence in June last, he dissolved the House unconstitutionally--(hear, hear)--and appealed to the country. The verdict of the country affirmed that vote of want of confidence, but still determined to keep his bargain, he managed that the Government which succeeded him should carry out the same policy, placing in it the President of the Company, and another friend of his own. (Hear, hear.) He did not think the House had yet heard all that took place on the formation of that Government, which took office with the permission of the hon. member for Renfrew, who said --"carry out, my schemes and I will support you." (Hear, hear.) The hon. gentleman was pushing forward this Bill, as if it were a matter of life and death, and he had no doubt it was a matter of life and death to some across the water, who had entered into speculations which had brought them into difficulties, out

of which they now desired the people of this country to help them. He hoped, however, that Parliament would pause before granting new powers to this Mammoth Company, whose influence was already ramifying through all the interests of this country. He protested against a certainty being parted with for an uncertainty, which would be the effect of the passing of this Bill. If the clause now under discussion became law, they might bid good-bye to all hopes of having this main line of railroad, unless they took it in hand and finished it themselves. (Hear, hear.)¹⁴⁴

MR. INSP. GEN. CAYLEY supported the bill. He thought more had been said about the amount of guarantee that would go to works not originally contemplated, than the circumstances of the case warranted. All the money expended on the Victoria Bridge hitherto¹⁴⁵, during the last year¹⁴⁶, was only about £200,000, the full amount of guarantee on which would be only £80,000, not more than had been spent by the company during the last eight days, the period that this bill had been under discussion.¹⁴⁷ £250,000 would be expended on [the Victoria Bridge] ... next year--He believed the company were able to carry out the whole work, and that the most prudent course for the province in the extraordinary and unforeseen circumstances that had arisen was to grant them their request.¹⁴⁸

MR. POST. GEN. SPENCE called upon Mr. Macdonald to specify his charge against the present government or any member of it in relation to an agreement with Mr. Hincks respecting the Grand Trunk Company.¹⁴⁹ The hon. member for Glengary had charged the hon. member for Renfrew with entering into an unworthy combination with certain members of the Government for the purpose of carrying out his railway and stockjobbing schemes. He had said that the President of the company and another member of the Government had been placed in it by the hon. member for Renfrew, to enable him to carry out those schemes. He demanded of the member for Glengary the name of that other member of Government to whom he had referred.¹⁵⁰

MR. J.S. MACDONALD said that probably the hon. Postmaster General did not know the precise object for which he was placed in the administration, but he had no doubt that it was part and parcel of the arrangement under which the hon. member for Renfrew supported the coalition that the President of the company should remain in it, and that he got another friend also placed in it. He did not say, however, that the Postmaster General knew that this was the arrangement.¹⁵¹

MR. HINCKS bitterly attacked him for such vague charges, alleging that they were false¹⁵². [He] denied that he had anything to do with naming any one connected with the administration, and he treated the allegation with utter contempt.¹⁵³

MR. SOL. GEN. H. SMITH supported the bill. Even though he were (*sic*) an independent member of the House, and not in the Government, he would cheerfully give all the assistance he could to the gentlemen engaged in this great work.¹⁵⁴

MR. BELLINGHAM opposed the bill. People could not understand why an opulent company like the Grand Trunk should demand such privileges, while¹⁵⁵ the Montreal and Bytown Railway¹⁵⁶ was constructing a line of ninety miles along the north shore of the Ottawa without a sixpence of Government assistance.¹⁵⁷ [He] complained of the opposition on the south shore of the Ottawa. He dilated on the advantages of the line on the north shore, and said he would not vote for the clause before the House, unless he received assurance that the injurious competition with that line would be stopped.¹⁵⁸ If the present bill passed, it would

be destructive to the interests of that road, by fostering another along the south shore of the Ottawa.¹⁵⁹

MR. CARTIER said the Grand Trunk Railway Company had nothing to do with the Vaudeville Line, and the contractors only partially.¹⁶⁰

MR. CHAPPAIS spoke at length against suspending the Trois-Pistoles portion of the line¹⁶¹.

MR. AT. GEN. DRUMMOND replied to him.¹⁶²

[MR. YOUNG] said that he believed it was in 1849, while the Parliament was sitting in Toronto, that delegates from Nova Scotia and New Brunswick came to solicit the Government of Canada to join them in the attempt to obtain the aid of the Imperial Government in the construction of the necessary lines of railway to connect the three Provinces. This scheme of obtaining the endorsement of Canadian securities by the Imperial Government had his own approval, for he considered that by doing so, all the necessary funds could be secured for the construction of the main line of road, from one end of the Province to the other, at the very lowest rate of interest; that the annual cost for interest to the people of Canada for the building of 600 miles of railroad, would not be greater, probably, than the annual interest of 300 miles, if the money was borrowed without such imperial security. He believed it to be of vast importance that Nova Scotia and New Brunswick should be united to Canada--that the whole should be under one Government for general purposes, and it was this object more than any other which induced him to enter public life. The Government of which he was a member were agreed on this subject, and they did their best to carry it out. The hon. member for Renfrew, then Inspector General, visited England for this purpose, but did not succeed in obtaining the imperial aid¹⁶³, and the province borrowed money at 3 per cent to build its own roads.¹⁶⁴ Whether he could have done so had Nova Scotia been represented in London, or if he had exhibited more patience in trying, it was unnecessary now to say, but his impression was, that had another attempt been made, it would have been successful. It was under this view that he opposed the giving [of] Charter to the "Grand Trunk Company" in 1852. He (Mr. Young) was opposed to any one Company possessing such vast powers, he believed that the result would be detrimental to the political liberty of the people, and that it would have been altogether better to have divided the main line of road through the Province into several Corporations. He was, however, left in a minority, [and] a charter of the most liberal character has been granted to the Grand Trunk Company. Contracts have been entered into, and the work commenced. He would not now obstruct or impede in any way the Grand Trunk Company; he desired to do them full justice. The Government had assisted and aided the Company to an extent never done before to any other Company; the whole amount of debentures which the Grand Trunk Company are entitled to under their Contract, say for £1,800,000 sterling, had been remitted to Messrs. Baring & Glyn of London, in trust for the Province, but with the view of facilitating the provincial arrangements of the Grand Trunk Company. He would state here, that an impression adverse to the Grand Trunk Company had been produced, by the fact, that in the public accounts the whole of the debentures alluded to were charged to the Grand Trunk Company, whereas the amount ought to have been charged to Messrs. Baring & Glyn, in trust for the Province. The remitting of all of these debentures, before the same could be demanded by the Grand Trunk Company, under their contract, to be held in trust by any one, was an act of great responsibility; still, he was aware of the great change which had taken place in the money market of England, and as the proceeds of the debentures are held for

account of the Province, and only paid away by the Trustees, as he understood, upon orders from the Government here, there was less danger in thus sending away the debentures. The hon. member for Glengarry had stated that the Grand Trunk Company had purchased 150 acres of land near Montreal, and that they would extort from the people of that City, by and bye, large prices for such land. Now, he (Mr. Young) knew something about this land, and would state that the Company were adverse and refused to purchase any land except what was actually requisite--that they did not desire as a Company to speculate in lands. He believed the amount acquired was only 85 acres; and, if Montreal should become the great central depot of trade, which he (Mr. Young) expected, the space would not be too great. He could go thus far, but no further. A contract had been entered into--let that contract be fulfilled on both sides; he would oppose any alteration, especially that of stopping the Trois Pistoles road, and removing the guarantee from that to a Western road. With the fact before him that the trade of Lower Canada was almost stationary, while the trade of Western Canada was rapidly increasing, he was not willing that any part of the guarantee for railroads in Lower Canada should be removed. While Western Canada would have the Provincial guarantee for some 600 miles, Lower Canada--even with the Trois Pistole[s] road--would only have 350 miles. He believed that hon. members were not aware of the advantages which would accrue to the Province by the construction of the Trois Pistoles road,--its extension to the Grand Falls on the St. John's River, a distance of 72 miles from Trois Pistoles, would give Canada the command of the whole trade of Northern Maine and New Brunswick. The Customs returns gave no idea of this trade, but he knew that it was a large one, and was nothing to what it would be were a railroad built. He knew that, to reach the lumbering district in that region, the transport of a barrel of flour from Quebec frequently cost 15s.; yet, notwithstanding this, Quebec was the best market to buy in. The farmers of Canada were deeply interested in this, for every cent saved in transport is so much gain to the producer. He objected, also, to the Bill before the House, because it continued the system of allowing members of the Executive Government to act as Directors of the Grand Trunk Company;--this did away with all check on the Company, for the same parties who asked the Executive concurrence were the Executive. He also objected to the plan on which the¹⁶⁵ Victoria¹⁶⁶ Bridge over the St. Lawrence was being constructed. When the Bill authorising the Grand Trunk Company to construct the bridge was passed, it was distinctly understood that the piers, or archway, should not interfere with the navigation of the St. Lawrence. By the contract lying in the Railway Committee room, it is provided that the height above low water should be seventy feet, yet by a plan which he only saw for the first time three days ago, this was altered, and the height is now only to be sixty feet. In June 1853 he, as Chairman of the Harbor Commissioners, and as guardian of the harbor interests, wrote to the Government, asking to be permitted to see the plans before any final decision was taken by the Government, but, although a reference was several times made to the subject, no answer was received. He also, in the same month, wrote to the Secretary of the Grand Trunk Company to see the plans, but did not succeed. He looked at the obstructing, in any way, of the navigation of the St. Lawrence as a serious matter. Any one who looked back for twenty-five years at the ideas of trade then prevalent--of the fact that the batteaux and Durham boat were the largest craft employed, must be surprised at the revolution which has taken place in trade during that short period. He believed a still greater change would take place in the next twenty-five years. Our canals with locks of 19, 22, 26, 30, 45, and 55 feet are all

acknowledged mistakes--when he saw that the vast Lake Superior would soon be connected with Lake Huron by a canal with a 67 feet lock, adapted for the largest steamers, and when he believed that the day was not distant when the Welland and the St. Lawrence canals would be made to correspond, and when he thought that the distance from the head of Lake Superior to the Pacific Ocean was only some 1600 miles by a route which would admit the construction of a Railroad, with gradients not exceeding 60 feet to the mile, he would hesitate in giving his assent to any permanent obstruction for vessels of the largest class sailing down the St. Lawrence. He believed that the channel or the St. Lawrence can be easily deepened to 12 feet, and as the building of ships, for export, may be carried on to a large extent, he would like to see the bridge so built as to give such vessels a free passage with the lower masts standing.¹⁶⁷

MR. HINCKS replied with much warmth¹⁶⁸. It was ungenerous and improper for the honorable member at that time to complain of the policy of the government of which he was a member. Entertaining the views that he now avows, it was his duty to have resigned, rather than hang on, and try to thwart the policy of the government by intriguing, which he (Mr. H.) believed the honorable member did not hesitate to do.¹⁶⁹ If he (Mr. H.) had known that the hon. member had been opposed to the railroad policy of the government, he (Mr. H.) would not have remained in office an hour with him. The hon. gentleman admitted that circumstances had occurred to entitle the company to the consideration of the House; that he was willing to deal liberally with it, and in the same breath denied them the privilege of extending the time for the completion of the Trois Pistoles section, but insisted on their proceeding as rapidly as they would have been required to do if an adverse state of the money market had not occurred. There was no intention to abandon the Trois Pistoles section; but only a reasonable delay in the completion of it was asked. As to the bridge at Montreal, the government had had the matter under consideration, and after giving it all the attention possible, they came to the conclusion that the proposed plan of the bridge would not be in any way detrimental to the navigation of the river. That was the opinion of the government, whatever might be the opinion of the Harbor Commissioners, who were the mere creatures of the government, and could be dismissed by it at any time¹⁷⁰. When their representations were handed over to the Board of Works, the government did not think it worth while to pay further attention to them.¹⁷¹ They were not engineers and he did not think they were peculiarly qualified to form an opinion on the subject.¹⁷²

MR. YOUNG further explained:

That the Grand Trunk Company had received greater facilities than ever before granted to any Canadian Company. The only other Railway Company which can be compared in its position with the Grand Trunk Company, was the St. Lawrence and Atlantic Railway. Under an Act passed in 1849, all Railways not less than 75 miles long were entitled to the Debentures of the Province for one-half of the cost, on completion of half of the Road. The St. Lawrence and Atlantic Road was 126 miles long. The distance from Longueuil to St. Hyacinthe is 30 miles; that was completed and in running order. From St. Hyacinthe to the St. Francis River was 42 miles, running through a forest and without settlement. The foundations of the Bridge across the St. Francis had to be commenced, at the same time the Road was begun from St. Hyacinthe; and although the half distance was 63 miles, yet the expenditure on the bridge and on the 9 miles beyond the half distance, entitled the Company to demand from the Government the Debentures of the Province, inasmuch as one-half of the whole cost had

been expended. Messrs. Lafontaine and Baldwin, the then Attorney Generals, refused to grant Debentures, acknowledging that the spirit of the Act had been observed, but its letter stated that one-half must be completed. The work would have been stopped, but for an arrangement entered into with the Government, who agreed to deposit in the Com'l Bank £100,000, and not to ask for the same for six months. This enabled the Company to go on, and finish the one-half, after which time Debentures were issued. He thought, therefore, that there was no similarity between this case and the issue of the Debentures of the Province for the whole amount of the Government guarantee for the benefit of the Grand Trunk Company almost before the Road was begun.¹⁷³

Some further passages of arms [occurred] between Mr. Hincks and Mr. Young¹⁷⁴.

[MR. YOUNG] said that his place in the Harbour Commission was at any time in the hands of the Government.¹⁷⁵

MR. BROWN thought the attack of the honourable member for Renfrew on the honourable member for Montreal, was most ungenerous, seeing that that honourable member on leaving the Cabinet had made precisely the same statements as he had done to-night, and the honourable member for Renfrew should have been the last man to have twitted any one with holding on unduly to office. (Hear, hear.) There never was a more generous resignation than that of the honourable member for Montreal, who set an example in that matter that might well have been copied by other honourable members. He was quite satisfied that the honourable gentleman's disapproval of the railway policy was the real reason of his having been got rid of by a side wind, the scheme of differential duties having been abandoned by the honourable member for Renfrew, so soon as he attained his object of thereby getting rid of his honourable colleague.¹⁷⁶

Some further discussion [occurred]¹⁷⁷.

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The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Wilson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

A long mere wrangle, then took place as to whether the committee should sit again on Monday.¹⁷⁸

MR. GAMBLE sharply attacked Messrs. Brown and Macdonald, saying that they would gain nothing on carrying on their opposition when the sense of the House was against them. He (Mr. G.) could the better express that opinion, because he had always opposed the introduction of the Grand Trunk Railway Company, on various grounds.¹⁷⁹

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Mr. Cartier moved, seconded by the Honorable Mr. Hincks, and the Question being put, That the said Order be the first Order of that day; the House divided: And it was resolved in the Affirmative.

The Order of the day for the second reading of the Bill to regulate the inspection of Pot and Pearl Ashes in Montreal, being read;

The Bill was accordingly read a second time; and referred to a Select

Committee, composed of Mr. Holton, Mr. Cartier, Mr. DeWitt, the Honorable Mr. Young, Mr. Scatcherd, Mr. Langton, and Mr. Galt, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Order of the day for the House in Committee on the Bill to extend to Lower Canada the provisions of the Act to establish a Standard Weight for the different kinds of Grain, Pulse, and Seeds in Upper Canada, be postponed until Wednesday next.

*Then, on motion of Mr. Mackenzie, seconded by Mr. Holton,
The House adjourned until Monday next. 180*

FOOTNOTES: 17 NOVEMBER 1854.

1. LE PAYS, 25 November 1854.
2. GLOBE, 28 November 1854 (in Scrapbook Hansard).
3. TORONTO DAILY LEADER, 25 November 1854.
4. GLOBE, 28 November 1854 (in Scrapbook Hansard) notes: "A lively discussion took place on this amendment, chiefly in French, the friends of Mr. Huot making the best fight for him that they could in the face of the fact that 14,319 votes were in the poll-books, while the whole number of legal voters was only 1664."
5. GLOBE, 28 November 1854 (in Scrapbook Hansard).
6. LE PAYS, 25 November 1854.
7. GLOBE, 28 November 1854 (in Scrapbook Hansard).
8. IBID.
9. LE PAYS, 25 November 1854.
10. IBID.
11. GLOBE, 28 November 1854 (in Scrapbook Hansard).
12. LE PAYS, 25 November 1854.
13. GLOBE, 28 November 1854 (in Scrapbook Hansard).
14. LE PAYS, 25 November 1854.
15. GLOBE, 28 November 1854 (in Scrapbook Hansard).
16. IBID.
17. LE PAYS, 25 November 1854.
18. GLOBE, 28 November 1854 (in Scrapbook Hansard).
19. LE PAYS, 25 November 1854.
20. IBID.
21. GLOBE, 28 November 1854 (in Scrapbook Hansard).
22. IBID.
23. IBID.
24. LE PAYS, 25 November 1854.
25. GLOBE, 28 November 1854 (in Scrapbook Hansard).
26. IBID.
27. IBID.
28. MORNING CHRONICLE, 22 November 1854, varies from other reports of the debate. It states: "All the other law officers of the Crown spoke against this [Mr. Sol. Gen. D. Ross's] motion saying that the House posses[s]ed no power by law to alter the report of the Committee."
29. MORNING CHRONICLE, 22 November 1854.
30. GLOBE, 28 November 1854 (in Scrapbook Hansard).
31. MORNING CHRONICLE, 22 November 1854.
32. GLOBE, 28 November 1854 (in Scrapbook Hansard).
33. MORNING CHRONICLE, 22 November 1854.
34. GLOBE, 28 November 1854 (in Scrapbook Hansard).
35. MORNING CHRONICLE, 22 November 1854.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. GLOBE, 28 November 1854 (in Scrapbook Hansard).
42. MORNING CHRONICLE, 22 November 1854.
43. IBID.
44. IBID.
45. GLOBE, 28 November 1854 (in Scrapbook Hansard).

46. MORNING CHRONICLE, 22 November 1854.
47. IBID.
48. IBID.
49. MORNING CHRONICLE, 23 November 1854.
50. IBID.
51. GLOBE, 28 November 1854 (in Scrapbook Hansard).
52. MORNING CHRONICLE, 23 November 1854.
53. GLOBE, 28 November 1854 (in Scrapbook Hansard).
54. MORNING CHRONICLE, 23 November 1854.
55. GLOBE, 28 November 1854 (in Scrapbook Hansard).
56. MORNING CHRONICLE, 23 November 1854.
57. GLOBE, 28 November 1854 (in Scrapbook Hansard).
58. MORNING CHRONICLE, 23 November 1854.
59. GLOBE, 28 November 1854 (in Scrapbook Hansard).
60. MORNING CHRONICLE, 23 November 1854.
61. GLOBE, 28 November 1854 (in Scrapbook Hansard).
62. MORNING CHRONICLE, 23 November 1854.
63. GLOBE, 28 November 1854 (in Scrapbook Hansard).
64. MORNING CHRONICLE, 23 November 1854.
65. GLOBE, 28 November 1854 (in Scrapbook Hansard).
66. MORNING CHRONICLE, 23 November 1854.
67. GLOBE, 28 November 1854 (in Scrapbook Hansard).
68. MORNING CHRONICLE, 23 November 1854.
69. IBID.
70. GLOBE, 28 November 1854 (in Scrapbook Hansard).
71. MORNING CHRONICLE, 23 November 1854.
72. GLOBE, 28 November 1854 (in Scrapbook Hansard).
73. MORNING CHRONICLE, 23 November 1854.
74. GLOBE, 28 November 1854 (in Scrapbook Hansard).
75. MORNING CHRONICLE, 23 November 1854.
76. GLOBE, 28 November 1854 (in Scrapbook Hansard).
77. PILOT, 24 November 1854.
78. MORNING CHRONICLE, 23 November 1854.
79. PILOT, 24 November 1854.
80. IBID.
81. MORNING CHRONICLE, 23 November 1854.
82. GLOBE, 28 November 1854 (in Scrapbook Hansard). PILOT, 24 November 1854, comments that "a scene, in illustration of Babel, ensued ... and in a few moments his [Mr. Marchildon's] voice was lost in the disorder, and he sat down".
83. GLOBE, 28 November 1854 (in Scrapbook Hansard). PILOT, 24 November 1854, comments that Mr. Papin "attempted ... to rebuke the members who had silenced Mr. Marchildon.... His admonitions were treated as impertinences, and received with cries of derision, so he very suddenly passed on to less distasteful remarks".
84. PILOT, 24 November 1854.
85. GLOBE, 28 November 1854 (in Scrapbook Hansard).
86. PILOT, 24 November 1854, which goes on to comment, "Mr. Cauchon spoke long, and with extraordinary animation".
87. PILOT, 24 November 1854.
88. GLOBE, 28 November 1854 (in Scrapbook Hansard).
89. PILOT, 24 November 1854.
90. GLOBE, 28 November 1854 (in Scrapbook Hansard).
91. MORNING CHRONICLE, 23 November 1854.

92. GLOBE, 28 November 1854 (in Scrapbook Hansard).
93. QUEBEC GAZETTE, 25 November 1854.
94. GLOBE, 28 November 1854 (in Scrapbook Hansard).
95. QUEBEC GAZETTE, 25 November 1854.
96. GLOBE, 28 November 1854 (in Scrapbook Hansard).
97. QUEBEC GAZETTE, 25 November 1854.
98. PILOT, 24 November 1854.
99. MORNING CHRONICLE, 23 November 1854.
100. GLOBE, 28 November 1854 (in Scrapbook Hansard), which misspells his name "Mr. Bruneau" and places his speech immediately after Mr. Papin's.
101. MORNING CHRONICLE, 23 November 1854.
102. IBID.
103. GLOBE, 28 November 1854 (in Scrapbook Hansard).
104. PILOT, 24 November 1854.
105. GLOBE, 28 November 1854 (in Scrapbook Hansard).
106. MORNING CHRONICLE, 23 November 1854.
107. IBID.
108. GLOBE, 28 November 1854 (in Scrapbook Hansard).
109. MORNING CHRONICLE, 23 November 1854.
110. PILOT, 24 November 1854.
111. MORNING CHRONICLE, 23 November 1854.
112. PILOT, 24 November 1854.
113. MORNING CHRONICLE, 23 November 1854.
114. PILOT, 24 November 1854.
115. MORNING CHRONICLE, 23 November 1854.
116. PILOT, 24 November 1854.
117. MORNING CHRONICLE, 23 November 1854.
118. PILOT, 24 November 1854.
119. MORNING CHRONICLE, 23 November 1854.
120. PILOT, 24 November 1854, which notes that Mr. Laberge "purposely disavowed any great love for either the French or English nation".
121. GLOBE, 28 November 1854 (in Scrapbook Hansard).
122. MORNING CHRONICLE, 23 November 1854. PILOT, 24 November 1854, states: "After delivering a few shots at the retiring Laberge, the speaker [Mr. Turcotte] took Mr. Papin in hand".
123. PILOT, 24 November 1854.
124. MORNING CHRONICLE, 23 November 1854.
125. IBID.
126. IBID.
127. GLOBE, 28 November 1854 (in Scrapbook Hansard).
128. PILOT, 24 November 1854.
129. MORNING CHRONICLE, 23 November 1854.
130. MORNING CHRONICLE, 23 November 1854. PILOT, 24 November 1854, notes that the motion was carried at half-past ten.
131. MORNING CHRONICLE, 23 November 1854.
132. GLOBE, 28 November 1854 (in Scrapbook Hansard).
133. IBID.
134. MORNING CHRONICLE, 23 November 1854.
135. GLOBE, 28 November 1854 (in Scrapbook Hansard).
136. MORNING CHRONICLE, 23 November 1854.
137. GLOBE, 28 November 1854 (in Scrapbook Hansard).
138. IBID.
139. MORNING CHRONICLE, 23 November 1854.

140. IBID.
141. GLOBE, 28 November 1854 (in Scrapbook Hansard). Mr. Mackenzie, in MACKENZIE'S WEEKLY MESSAGE, 8 December 1854, recounts: "I sat still and when the gas was all let off, asked leave to record my name against so large a sum. Two members must ask the yeas and nays to be taken down. I could not get a seconder. Merritt, cowed down, shook his head. Papin delivered that Foley and others, who had agreed to vote nay, had deserted him, and refused".
142. MORNING CHRONICLE, 23 November 1854.
143. IBID.
144. GLOBE, 28 November 1854 (in Scrapbook Hansard).
145. IBID.
146. MORNING CHRONICLE, 23 November 1854.
147. GLOBE, 28 November 1854 (in Scrapbook Hansard).
148. MORNING CHRONICLE, 23 November 1854.
149. IBID.
150. GLOBE, 28 November 1854 (in Scrapbook Hansard).
151. IBID.
152. MORNING CHRONICLE, 23 November 1854, which goes on to say that "something like an altercation took place between these gentlemen".
153. GLOBE, 28 November 1854 (in Scrapbook Hansard).
154. IBID.
155. IBID.
156. MORNING CHRONICLE, 23 November 1854.
157. GLOBE, 28 November 1854 (in Scrapbook Hansard).
158. MORNING CHRONICLE, 23 November 1854.
159. GLOBE, 28 November 1854 (in Scrapbook Hansard).
160. MORNING CHRONICLE, 23 November 1854.
161. IBID.
162. IBID.
163. MONTREAL GAZETTE, 22 November 1854.
164. MORNING CHRONICLE, 23 November 1854.
165. MONTREAL GAZETTE, 22 November 1854.
166. MORNING CHRONICLE, 23 November 1854.
167. MONTREAL GAZETTE, 22 November 1854.
168. GLOBE, 28 November 1854 (in Scrapbook Hansard).
169. MORNING CHRONICLE, 23 November 1854.
170. TORONTO DAILY LEADER, 28 November 1854.
171. MORNING CHRONICLE, 23 November 1854.
172. TORONTO DAILY LEADER, 28 November 1854.
173. MONTREAL GAZETTE, 22 November 1854.
174. MORNING CHRONICLE, 23 November 1854.
175. IBID.
176. GLOBE, 28 November 1854 (in Scrapbook Hansard).
177. GLOBE, 28 November 1854 (in Scrapbook Hansard), which continues: "the committee rose at half-past one A.M." Telegraph (MORNING CHRONICLE, 20 November 1854), states that the Committee "reported progress at two o'clock on Saturday morning".
178. MORNING CHRONICLE, 23 November 1854.
179. IBID.
180. TORONTO DAILY LEADER, 28 November 1854, notes: "The House adjourned at a quarter to two this (Saturday) morning".

MONDAY, 20 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of Edward Turner and others, Turnkeys, and others connected with the Common Gaol and House of Correction for the District of Quebec.

By Mr. Galt,--The Petition of the Reverend Charles P. Reid, Incumbent of St. Peter's Church in Sherbrooke, District of St. Francis.

By Mr. Bell,--The Petition of David Campbell and others, of the Township of Ramsay.

By Mr. Crawford,--The Petition of the Town Council of Brockville.

By Mr. Bellingham,--The Petition of the Montreal and Bytown Railway Company; and the Petition of John Meikle and others, of the County of Argenteuil, and others.

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By Mr. Jean Baptiste Daoust,--The Petition of James Watts, Mayor, and others, of the County of Two Mountains, and others; and the Petition of Jacob Schlagel and others, of the County of Argenteuil.

By Mr. Laberge,--The Petition of Norbert Simard and others, of the Parish of Baie St. Paul, and others; the Petition of C.P. Huot, Esquire, and others, of the Parishes of Baie St. Paul and St. Urbain, County of Saguenay; the Petition of John Nairne, Esquire, and others, of La Malbaie and other Parishes, County of Saguenay; the Petition of the Municipal Council of the County of Saguenay; the Petition of C.P. Huot, Esquire, and others, of the Parish of Baie St. Paul, County of Saguenay; the Petition of Adolphe Côté and others, of the Parishes of St. Urbain and Baie St. Paul, County of Saguenay; and the Petition of John McLaren and others, inhabitants and squatters of Ste. Catherine, Rivière aux Canards, and other places, County of Saguenay.

By Mr. Darche,--The Petition of Angélique Billon, widow of the late J.M.K. Gregory, of the City of Montreal; and the Petition of Louis Bonbardier and others, of the Parish of St. Bruno, County of Chambly.

By Mr. James Ross,--The Petition of Michael Brennan and others, Catholics, of the Diocese of Kingston.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend J.O. Archambault and others, School Commissioners of the Parish of St. Timothée, County of Beauharnois; praying aid for the Model School established at the Village of the said Parish.

Of Eugene Philippe Dorion, of the City of Quebec; praying payment of a certain amount due him for his services as Clerk to the Commission appointed, during the late Session, for taking evidence in the matter of the Contested Election for the County of Kamouraska.

Of the Montreal Board of Trade; praying that the Bill for the relief of Merchants, Traders, and others, may not pass into Law.

Of the Montreal Board of Trade; praying that the Victoria Bridge across the River St. Lawrence, at Montreal, may be built with its centre arch so high as not to obstruct the navigation of the River.

Of the Montreal Board of Trade; praying that the powers and duties of the Trinity House of Montreal may be merged in the Harbour Commissioners.

Of the Montreal Board of Trade; praying that such aid be granted as shall induce competent parties to undertake the running of a weekly line of Steamers

from Liverpool to Quebec and Montreal in the summer, and twice a month to Portland in the winter.

Of the Montreal Board of Trade; praying for the repeal of the Act imposing a Tax upon Auctions and Auctioneers in Lower Canada, and that the clause in the Seigniorial Tenures Bill appropriating the monies arising from the said Tax may be struck out of the said Bill.

Of W. Nelson, Esquire, and others, the Committee and friends of the Montreal House and School of Industry; praying for aid in behalf thereof.

Of the Reverend C.L. Vinet and others, of the Parish of St. Constant, District of Montreal; praying aid for the maintenance of a male and female School established in the said Parish.

Of Charles Magill, Esquire, and others, Mayors and Wardens of the Municipalities of Upper Canada, and Municipal Directors of the Great Western Railway Company; praying for certain amendments to the Bill to enable the said Company to construct a Branch Railroad to the Town of Brantford, and to increase its Capital Stock, and for other purposes.

Of the Reverend J. Auclair and others, of the City of Quebec; praying the

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adoption of measures for the suppression of Houses of ill-fame within the limits of the said City.

Of W. Lemoine, Esquire, and others, of St. Féréol and the adjoining Parishes, County of Montmorency; praying for aid to improve the Road from the said Parish to the River St. Lawrence.

Of F. Brunelle and others, of the Parish of St. Edouard de Gentilly; praying that the Ordinance 2 Vic. c. 29, may be so amended as to enable them to provide for the rebuilding of the Church of the said Parish.

Of Henry Chantler and others, of Upper Canada, Practitioners of Medicine, Surgery, and Midwifery; praying for an Act of Incorporation.

Of Pioneer Division, No. 58, of the Order of the Sons of Temperance, (two Petitions;) of J.R. Austin and others, of the Town of Picton; of R.H. Nettleton and others, of the Town of Picton; and of John Stevenson and others, of the Village of Lanark; praying for the passing of a Prohibitory Liquor Law.

Of Luc Letellier, Esquire, of the Parish of St. Hippolyte; praying that indemnity be granted to the Petitioner and others concerned in the Contested Election of Charles Chapais, Esquire, as Member to represent the County of Kamouraska in the last Parliament, for expenses incurred (sic) by them in that behalf.

Of Prospère Tremblay and others, of the Parish of Eboulements; praying that they may be authorized to mow the hay off the beach opposite their respective lots.

Of the Reverend A. Beaudry and others, School Commissioners of the Parish of St. Etienne de la Malbaie; praying aid for the completion of a School House in the said Parish.

Of A. Gagnon and others, of the Parish of La Baie St. Paul, County of Saguenay; praying aid for the purchase of a House in the said Parish for Educational purposes.

Of J.B. Desrosiers and others, of the Counties of Bagot and Drummond; praying for certain changes in the divisions of the said Counties, and the Counties of Richelieu and St. Hyacinthe.

Of Michael Brennan and others, Catholics, of the Diocese of Kingston; and of the Very Reverend John Macdonald and others, Catholics, inhabitants of the Parish of St. Raphael; praying for the establishment of separate Schools in Upper Canada, and that they may share in the proceeds of the Clergy Reserves.

Of G.K. Foster and others, of Richmond and vicinity, Canada East; and of H. Henderson and others, of the Town of Sherbrooke; praying an Act of Incorporation to enable them to establish a Bank in the District of St. Francis.

Of the Reverend T. Brassard and others, of the Parish of St. Ignace du Côteau du Lac; praying for aid to repair the Bridge over the River Delisle, in the said Parish.

Of J.S. McCuaig and others, merchants and citizens of the Cities of Quebec and Kingston; praying for an Act of Incorporation to a Fire and Marine Insurance Company.

Of Jason Gould, of Cobden, County of Renfrew; praying compensation for expenses incurred by him in opening a Road from the Ottawa River at Portage du Fort to Pembroke, viâ Muskrat Lake, and for aid to rebuild the Bridges thereon, and to repair the said Road.

Of the Council of the Quebec Board of Trade; praying the House not to sanction any proposition for levying a Tax on Vessels passing between Montreal and Quebec whose draught of water does not exceed ten feet.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Sixteenth Report of the said Committee; which was read; as followeth:--

Your Committee have examined the Petition of N. Samuels and others, of the

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City of Montreal, for incorporation of the German and Polish Congregation of Jews in that City, and they do not consider it to be of such a nature as to require the publication of Notice.

With respect to the Petition of the Stanstead, Shefford, and Chambly Railroad Company, for amendments to their Act of Incorporation, and power to construct various branches in the Eastern Townships, Your Committee find that the Company have confined their Notices to the Montreal Papers and the Canada Gazette, while no Notice has been inserted in any newspaper published in the Counties through which the proposed branches would pass.

On motion of Mr. Galt, seconded by Mr. Felton,

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Eastern Townships Bank.

Ordered, That Mr. Galt have leave to bring in a Bill to incorporate the Eastern Townships Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the 67th Rule of this House be suspended as regards the printing in French of the said Bill.

Ordered, That the 71st Rule of this House be suspended as regards the said Bill.

Ordered, That Mr. Freeman, Mr. Biggar, and Mr. Gould, have leave of absence for two weeks, on urgent private business.

On motion of the Honorable Mr. Cayley, seconded by the Honorable Sir Allan N. MacNab,

Ordered, That the Speech of His Excellency the Governor General delivered to both Houses of the Legislature, be now taken into consideration.

The House proceeded accordingly to take the said Speech into consideration.

And the same was again read.

The Honorable Mr. Cayley moved, seconded by the Honorable Sir Allan N. MacNab, That a Supply be granted to Her Majesty;

Resolved, That this House will, To-morrow, resolve itself into a Committee to consider of that Motion.

Ordered, That the Bill to erect the Town of Bytown into a City, under the name of the City of Ottawa, as reported from the Standing Committee, on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Petition of Joseph André Taschereau, of St. Louis de Kamouraska, Esquire, be referred to the Standing Committee on Contingencies.

Ordered, That the Orders of the day be now read.

And the Order of the day for the House again in Committee on the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada, being read;

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Wilson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

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A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have agreed to the Address to Her Majesty on the subject of relief to the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, by filling up the blank with "Legislative Council and":--And also,

The Legislative Council have passed an Address to His Excellency the Governor General, praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty on the subject of the relief to the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, to which they desire the concurrence of this House.

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c., &c., &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and of Canada, in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of relief to the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And then he withdrew.

The House, according to Order, again resolved itself into a Committee on the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Wilson reported, That the Committee had gone through the Bill, and made amendments thereunto.

The House again went into Committee of the whole on the Grand Trunk Railway Bill--Mr. Wilson in the chair--and resumed consideration of the 20th clause.¹

MR. BROWN said the object of the 20th clause was to grant the Company a diffusion over the whole of their works of the provincial guarantee which they were entitled to receive on the Grand Trunk proper, and the result would be that the moment this Bill came into operation, the Company would be entitled to receive £662,000, in addition to the £310,000 they had already received. Of this sum of £662,000 a warrant for £224,000 of it was at present passing through the Inspector General's office, and so soon as the Act passed, they would have received altogether £972,000.²

MR. HINCKS said the hon. member must be mistaken in his figures. It was not in consequence of the passing of this Act, that the Company would be entitled to the sum he had named.³

MR. BROWN said he had got his figures from Sir Cusack Roney, and coming as they did from an official source there could be no doubt of their accuracy. It appeared that the Company had expended £4,220,000, which under this Bill would entitle (*sic*) them to a total provincial aid of £1,688,000. Of this they had already received £310,000 besides the £224,000 now being paid on the Grand Trunk proper, £250,000 on the Quebec and Richmond; and £467,000 on the Portland Road, making a total of £1,250,000. Immediately on the passing of this Bill, they would be entitled to receive £438,000, in addition, and the result would then be that the provincial guarantee would be all paid up, with the exception of about £500,000, leaving the Province not the slightest security that the road would ever be finished. (Hear, hear.) It was also clear that if this clause passed, and the whole provincial guarantee were surrendered to the Company, it would be spent on the Victoria Bridge, which the country had never authorized, and the Western Railways for which the guarantee had been expressly given might be long delayed or perhaps given up altogether. (Hear, hear.) Was this keeping good faith with Upper Canada? and was it not clear, that if a large sum were now invested in the bridge, before it was well commenced, that the country would be so involved in it as to be forced to go on--perhaps to assume the completion of the bridge at the enormous cost of \$6,000,000! He was free to admit, however, that the statements made by⁴ the honorable and gallant knight⁵, the hon. member for Renfrew, and the Solicitor General East, that the Grand Trunk must have the boon now craved, or that the works must be stopped, had produced a considerable effect on his mind. (Hear, hear.) They were brought to this alternative--would they allow the contractors to break down and the works stopped, or would they give them effective assistance to enable them to proceed with their operations?⁶ He must say for his part that he was not ready to acknowledge the propriety of either course.⁷ He had never thought that the contract was one which it was for the interest of this country to enter into, but they were now committed to it, and the question arose whether, having gone so far, they should stop short. He was free to say that he believed the sudden stoppage of the work now would be injurious to the country, and he for one was prepared to vote further assistance to the Company, provided, but provided only they received absolute security that the effect of giving that assistance would be to ensure the completion of the works without further delay. (Hear, hear.) Before any change was made in the original charter of the company it was the duty of the hon. Inspector General to demand sufficient security to enable him to come down to the House, and take upon the Government the responsibility of a distinct pledge that the works would be finished. The Hon. Inspector General must consider that the House was in possession of no statement from the company, or from the contractors, except through the

hon. member for Renfrew, that they were in the unfortunate position of being unable to go on with the works.⁸ The contractors has (sic) made no such statement.⁹

MR. HINCKS.--The contractors have made no statement to any one that they are unable to go on¹⁰, but they had not deviated in the slightest degree from their contract as far as he knew.¹¹

MR. BROWN.--If the contractors do not make that statement, then we should make no alteration whatever, in the original contract. I contend that that is the sole ground on which we can be asked to interfere--that the contractors are unable to go on, and that the works will be stopped unless we give them assistance.¹² If the Contractors were solvent and willing to carry on the works they did not require any help from the government.¹³

MR. HINCKS.--The contractors are asking no favours at our hands. This measure is for the benefit of the Company.¹⁴

MR. BROWN.--Who are the Company? There were no stockholders of the Company in existence, until this contract was given. But the contractors, having carried over their contract to England, hoping to make a great speculation of it, placed it on the market in a bungling manner, and there it stuck; and now they come to us to help them out of the difficulties into which they have brought themselves? If the contractors are able to carry on the work, they should not ask any extension of the guarantee from us. I cannot see why we should depart from the original terms of the contract, unless it has come to this that the works cannot otherwise go on, and, if the hon. member for Renfrew says now that that is not the case, then he was trying the other night to put the matter on a false basis. I think it is more evident than ever that we should have a full explanation from the hon. Inspector General to show us that as Finance minister of the Province, he knows well what he is doing in advancing to these parties so large an amount of the public money.¹⁵

MR. INSP. GEN. CAYLEY produced the figures to show that the company would be entitled to receive only £324,500 on the passing of this bill. The hon. member for Lambton had said the Province would have no security for the amount of the guarantee; but the company had already expended £4,000,000, and this was the security which the Province had for the amount of the guarantee.¹⁶

MR. BROWN having compared figures with the Inspector General, it appeared that there was only £40,000 of difference between their statements, arising from £100,000 of interest, on which no guarantee was payable. Mr. B. went on to show that the Company could, under this Bill, draw the whole remaining Provincial Guarantee, without expending more than £300,000 of their own money.¹⁷

MR. CRAWFORD.--Oh! oh!¹⁸

MR. BROWN.--The hon. gentleman might cry oh! oh! but it was a fact. So soon as this Bill passed, the Company would receive of the Provincial guarantee £662,000. The spending of this and £300,000 further would entitle them to another £60,000, and they could thus exhaust the whole of the provincial guarantee, by spending a mere trifle of their own money. (Hear, hear.) When this money was spent, he wondered how hon. gentlemen would look when the Company came down and said--"We have spent all our money, and all your guarantee, and now we want more or the works must be stopped." (Hear, hear.) The guarantee was originally intended to be kept back, in order to secure the Railroads being finished, but now it was proposed to give it all up at once and throw away the security.¹⁹

MR. HINCKS expressed his readiness to insert a proviso in the Bill, that the amount of guarantee paid on the Bridge should not exceed £100,000.²⁰

MR. INSP. GEN. CAYLEY said that the apprehensions in the minds of some hon. members that the Victoria Bridge would never be finished, and that a large amount of the money of the Province would be sunk in it were entirely set at rest by the limitation proposed by the hon. member for Renfrew. He felt satisfied that if, in the first instance, the Company had come forward and offered to build the whole line from Trois Pistoles to Sarnia, with the aid of a guarantee of £3,000 per mile as a first charge, the House and the country would cheerfully have consented to it; and he would go farther and say, that even if it should prove to be the case that the outlay itself was not directly productive, he was satisfied that the benefit to the Province from the opening up of so extensive a line of country was of that vast magnitude that the return from the line itself sank into insignificance by the side of it. He was called upon (sic) by the hon. member for Lambton to assume the responsibility, in his capacity of finance minister, of recommending and adopting the Bill before the chair, and to show to the House how he proposed to secure the completion of the line. In his opinion, the outlay which the Company had already made on the works was a sufficient security that they would go on with them, and that they would not throw them up after receiving what they were entitled to of the provincial guarantee. He thought the application was justified from the present state of the money market, and from the altered condition in which matters there stood when compared with the prosperous state of trade and the facility of raising means before the war, and he had no hesitation in supporting the adoption of the clause now before the chair.²¹

MR. BROWN was satisfied that the hon. Inspector General was quite mistaken in supposing that had the company originally asked a guarantee of £3,000 a mile on the whole of the road they now had in hand, such an application would have been acceded (sic) to by Parliament. They might have done so, had they received ample security that the works would be finished, but not otherwise, and that was what he and those who acted with him now desiderated.²²

MR. HINCKS said it was very evident that a great misapprehension still existed in the mind of the hon. member for Lambton in regard to what he (Mr. H.) had stated the other evening. That hon. member had thrown the imputation on the contractors that they were not solvent.²³

MR. BROWN.--I beg your pardon. I merely repeated your own statement. I know nothing of their pecuniary resources, except from yourself.²⁴

MR. HINCKS.--I made no such statement--on the contrary I said the whole arrangement was made without the intervention of the contractors in any shape.²⁵ After all the explanations that had taken place, the hon. member for Lambton chose not to understand the position of the Company. The contractors had not asked for the alteration of the guarantee. At the time the amalgamation took place, the company entered into a contract for the construction of the works; the contractors were to receive a certain proportion of their pay in the B. series of the stock. If the B. series had not been kept out of the market; if they had been paid to the contractors in the proportion agreed upon and thus thrown upon the market, the effect would have been to prevent the calls on the A. series of the stock being paid; and the Company unable to realize these calls would have been unable to pay the contractors: the works would have been stopped in consequence of the contractors not being able to get their money.

The hon. member for Lambton had stated that very little had been paid on the stock. He did not think this was a fair representation; about £1,400,000 having been raised on the stock and bonds of the Company.²⁶ I have been blamed for the part I took in that arrangement, by writing the letter which I read the other evening, but I do not believe that had the hon. member for Montreal (Mr. Young) or the hon. member for Lambton or the hon. member for Glengarry been in my place in London last spring, they would have ventured to write any other letter in reply to the application²⁷ of Mr. Chapman,²⁸ which I received. If I had not made that answer, and if in consequence the whole Grand Trunk scheme had been stopped, I am confident that the greatest amount of abuse would have been heaped upon me. I knew I should be denounced, in whatever way I might answer the letter, and I just took that course, which I believed to be the safe and prudent one, and I am willing to abide by the impartial verdict of my countrymen.²⁹

MR. J.S. MACDONALD of Glengary.--It is all very well for the hon. member for Renfrew to assert here that the arrangement entered into by him with the company in England was of the importance, as respects the then threatened discontinuance of the Grand Trunk works, just described by him. For his (Mr. Macdonald's) part he was not prepared to accept the justification here offered by the hon. member for Renfrew, nor could the people of Canada, who have been kept in entire ignorance of the terms of the bargain disclosed here two evenings ago, when concealment could no longer be made by the late Inspector General, approve of the unwarrantable assumption by that hon. member of what the Parliament of Canada would do, by way of ratifying the premises, as disclosed in the letter addressed to the Secretary of the company in London. Why did not the late Inspector General wait for six weeks, when he knew Parliament was to meet in this city, when he could have submitted for the consideration of Parliament the difficulties of the company, as declared in Mr. Chapman's letter. Oh! no! such a prudent course would not suit the dignity of the premier. A thought of the kind, if it ever suggested itself to the hon. member, was at once scouted as unworthy of being entertained, at a distance of three thousand miles from Quebec; and its adoption would only disclose to the interested parties then pressing the bargain, for their own benefit, a distrust of his (the hon. member for Renfrew's) power with the Canadian Parliament--an admission too humiliating to the pride of that hon. member, so constantly bespattered with ludicrous compliments in the London papers, for his extraordinary abilities as a financier. The appeal was therefore irresistible; and now we have the result, in the proposition contained in the 20th clause under discussion. But let us enquire who were the parties with whom this bargain was made. What if it turned out that the principal part of the stock on the sale of which the completion of ... [the] Grand Trunk works depends, is held by the very gentlemen to whom the hon. member for Renfrew pledged the action of this House? (Hear, hear.) Yes, Mr. Chairman, no less than the very agents of this province, who held the province in the humiliating position that we cannot issue our bonds or debentures for any undertaking without the sanction of these very gentlemen³⁰, the Barings and the Glyn's,³¹ tested the weakness of the hon. member by the bargain referred to.³²

MR. HINCKS, interrupting, asked³³--Was not the hon. member for Glengary a member of this Government which brought in the bill extending the issue of bonds as stated by him? Was he not Solicitor General at the time?³⁴

MR. J.S. MACDONALD.--Yes,³⁵ [he] was Solicitor General at the time,³⁶ [and] a great many things were done by that Government of which he had no knowledge, as

he was then frequently on circuit;³⁷ [he was] most likely away attending to his business when the bill was agreed upon. (Laughter.)³⁸

MR. PRES. EX. COUN. MACNAB.--Did the hon. gentleman resign his office when he heard of it?³⁹

MR. J.S. MACDONALD paid very little attention to the financial affairs of the Government at that time.⁴⁰

MR. HINCKS.--Did the hon. gentleman ever make an objection to the bill?⁴¹

MR. J.S. MACDONALD paid very little attention to these matters at the time;⁴² even if not absent from the seat of Government when the measure was introduced, he most likely would not have troubled himself with the financial affairs of the province, having then perfect confidence, "for which God forgive me,"⁴³ (Laughter.)⁴⁴ in the financial schemes of the late Inspector General as had many others, until they found too strong reasons to distrust their very doubtful tendency, as proved in recent transactions.--The A series of the Grand Trunk stock, amounting to about £3,600,000 ... had been allotted between the Barings, the Glyn's, and a few other influential London houses, and among such private individuals as they thought proper to select, [and] we find that out of 64,816 registered shares--that is, shares on which payments have been made, ... £23,940 are actually held by twelve individuals, some of whom are directors, some contractors and their relatives, including the provincial agents. Here, then, we see that three-eighths of the shares are in the hands of the parties with whom our late premier in connection with the head of the Government then in London, promised relief in the very terms contained in the clause now under discussion. No wonder, Mr. Chairman, that influenced by the promised relief, not to the contractors (who the late Inspector (*sic*) General tells us, never asked for salary or aid,) but to the company composed of the parties just named--that the sumptuous feed of which we read in the London papers, had been given so soon after the date of the late Inspector General's letter, at the instance of the Grand Trunk connection. Do we not see in this House that whilst we are legislating away upwards of a million of our money on works never contemplated by the original contract, the gentlemen on the treasury benches quietly permit the late Inspector General and the Solicitor of the Grand Trunk, (Mr. Cartier,) to manage this new financial job, as if they, the administration, had nothing to do with the matter. Is not the influence of this mammoth company already too evident on the floor of this House? and if so powerful now, what will be the consequence hereafter? He predicted the most fearful results from the growing power of the company. He (Mr. Macdonald) would ask the committee--he would ask such members of this house as had held seats for years in the Canadian Parliament, if the late Inspector General was ever known to evince the same untiring energy in carrying through any other measure as has been manifested by him in connection with this Grand Trunk affair, from the day of the introduction of the bill in 1852 to this very moment. The hon. gentleman said that considering his (Mr. Macdonald's) position, it was very questionable if the course pursued towards the agents of the Province in this debate, did not partake of antagonism which might hereafter be found somewhat awkward, and might tend to prejudice the interests of the Province; to this he (Mr. Macdonald) would reply by stating that he had the interests of his native Province just as much at heart as the honorable member for Renfrew ever had or could have. True it was that the honorable member might now boast of large interests which have arisen from a recent turn of good fortune to justify his present eagerness for the successful developing of the Grand Trunk scheme, which is so largely to benefit the Province;

but he (Mr. Macdonald) contended that though not so fortunate as the hon. member in that respect, his opposition to the measure before the committee must not be attributed to a desire to check the growth and prosperity of Canada, but the very reverse was his object. He (Mr. Macdonald) would not longer delay the committee with further observations in relation to the objection to the diffusion of the government guarantee to other roads, which the company had chosen to embark in, as his views were expressed at length during the discussion on this bill two nights ago, and especially as other speakers had pointed out in the clearest manner the inexpediency of parting with a certainty for an uncertainty, in consenting to give up the guarantee still within our reach and control, and placing it at the disposal of a company not within our reach, and from whom we have no tangible security that the main line of road, for which the guarantee was first granted, will be finished by the contractors; thereby endangering a failure which may entail on this Province the responsibility of taking up those works, which must be finished, but at a ruinous outlay, never heretofore contemplated. He said he had discharged his duty to the country by raising his voice at the outset against the proposition. He hoped his predictions would not be realised. Let the house take the responsibility; the blame would not rest on his shoulders. As to the change in the scheme to limit the extension of the guarantee to the Victoria Bridge to £100,000, he could not give his sanction. The bridge would cost nearly £2,000,000. The Province would just be throwing away the £100,000, unless it took it under its own management.⁴⁵

MR. ROBINSON said the chief objection of the hon. gentleman who had just sate down, was not against the bill, on its merits, but to the course which the late Inspector General had taken when in England. He (Mr. R.) was one of those who thought the hon. gentleman did perfectly right.⁴⁶ He (Mr. R.) thought, that the security which the Government had was good, namely the works of the Company, extending from one end of the Province to the other. He thought it nothing unreasonable for the Government to grant the Company the indulgence they asked. He would vote against the amendment.⁴⁷

MR. LANGTON said the argument of the honorable member for Lambton was extraordinary,⁴⁸ [and] very alarming; but as it was so much like an old⁴⁹ arithmetical⁵⁰ puzzle that he remembered,⁵¹ of Achilles and the tortoise, by which it was shown that giving the tortoise the start of a yard, Achilles could never overtake it.⁵² He thought there must be something wrong about it. The hon. gentleman had said that the company would receive the guarantee and expend it, without expending any of their own money. But they could only get it at the rate of 40 per cent. of the amount they expended. The hon. gentleman's figures were incorrect: the company must spend half-a million more of their own money before they could exhaust the amount of the guarantee. The security of a road completed, was quite as good as that of one not completed.⁵³

MR. BROWN said there was no fallacy about it, and repeated the figures, to show the correctness of the statement he had made. He then proceeded to show that the manner in which Messrs. Glyn and Baring had acted throughout this transaction did not entitle them to much favour at the hands of the House.⁵⁴ If the contractors had agreed to take a million of the B series of stock in payment, it would be most improper for this House to come forward to relieve them.⁵⁵ He was informed that the Glyns took £350,000, Mr. Baring £350,000, and Peto Brassey & Co. £350,000 of the stock--upwards of a million among these three

parties. (Hear, hear.) At the time they took that stock, there were applications to the amount of £16,000,000, but so greedy were those parties of securing a good premium for the shares they held, that they decided on only issuing half of the stock at first, $3\frac{1}{2}$ millions, instead of 7 millions. They were thus themselves alone responsible for the difficulties into which they had got. Had they issued the whole amount at once, there would not have been the slightest difficulty about its all being taken up. But having taken the course they did, they should be made to pay for the stock they held, and he did not think the hon. member for Renfrew was justified in making the arrangement he did, merely for the sake of easing Messrs. Glyn and Baring of the consequences of their own bargain.⁵⁶

MR. HINCKS said that it was not correct that these houses held anything like this amount of stock. When they took the large amount of stock, it was for their customers, not for themselves. He demanded to know how the honorable gentleman knew that these houses held the amount of stock that he stated.⁵⁷

MR. BROWN said he was assured on the best authority that Mr. Baring took 6,800 shares, which at £50 a share were equivalent to the sum he had named, that the Glyns had taken a like amount, and that Messrs. Peto, Brassey & Co. also held an enormous amount of stock amongst them; and forsooth they were now called upon to give this extension of the guarantee and of the charter, not for the advantage of the contractors--not to secure the completion of the work--but simply for the accommodation of those gentlemen, who had secured the stock for themselves and their friends, and then found that it was not so profitable a speculation as they anticipated. He thought they should retain the Provincial guarantee to make sure of these gentlemen paying up the calls on their stock.⁵⁸

MR. HINCKS.--The honorable gentleman had made a false statement, it was impossible for him to say⁵⁹ what amount of stock those gentlemen hold. He had been told a falsehood by his informant.⁶⁰

MR. BROWN said that there was a member of the House who had a stock list.⁶¹

MR. HINCKS denied that the honorable member could tell how much stock was held by these houses.⁶²

MR. YOUNG said his attention had been called to the stock list in the Railroad Committee, and he could corroborate the statements made by the hon. member for Lambton. (Hear, hear.)⁶³

MR. BROWN said the way in which the allotment of stock took place was this: Mr. Glyn, Mr. Baring, Mr. Alderman Thompson, and three others named by Messrs. Glyn and Baring, had the allotment of the three and a half millions of the stock issued in the first. It was fully understood that the stock from the first would bring a premium of £3, £4, or £5 per share. So general was this belief that within a few days applications were made for stock to the amount of 16 millions. The English Directors availed themselves of this happy state of things and selected the parties to whom they should give the stock. They took £350,000 each to themselves, gave another £300,000 to the Contractors, £50,000 to the hon. member for Renfrew, £50,000 to Mr. A.M. Ross, and the rest of their stock they doled out to their various friends throughout the country. Not a single man was allowed to get a penny of the stock without the consent of Messrs. Glyn, Baring & Co., and not a friend of theirs but was well supplied; while the application of the Rothschilds and the Mastermans were peremptorily refused. The consequence of that refusal was that there was a division in the

stock market; the stock went down, and the speculators lost the enormous shave they expected to get. And now these gentlemen come to this House asking to be relieved of the consequences of their own dog-in-the-manger policy. If ever there was a discreditable concern, it was this Grand Trunk Railway scheme. He had not been aware, till very lately, that it was so complete a job from beginning to end. (Hear, hear.)⁶⁴ If the bill passed the guarantee would soon be exhausted and there would be no security that the \$1,811,000 of the B. series of stock would be taken up, or that the works would be gone on with.⁶⁵

MR. HINCKS said the hon. and learned member for Glengary had objected to the bill binding the Province not to increase its debt without consulting the financial agents of the Province; yet the hon. gentleman was a member of the government at the time the bill was passed and never objected to it. He (Mr. M.) had been pleased to give as a reason for his non-interference on that occasion that he had the most unlimited confidence in him, (Mr. B.) for which he had asked God to forgive him. He (Mr. H.) believed that the hon. gentleman's confidence would have continued if he had been made Attorney General of the late administration. The financial agents of the Province had represented that it would be most injurious to the credit of the Province to have an unlimited amount of stock issued, or to have the guarantee apply to all the Railways in the country; and on that suggestion the bill in question was passed. He did not think that the hon. member for Glengary, who aspired to be the leader of a party in this House and in the country, would raise himself in the estimation of the people of this country by placing himself in a position of hostility to the financial agents of this country in England. It was impossible to say what amount of stock was held by these parties, as it was a very common thing for stock to be held in the name of one party which belonged to others.⁶⁶ The stock had been allot[t]ed in the way usual in such cases.⁶⁷ He himself, at their request, held stock of this company for other parties.⁶⁸ As to the stock assigned to himself, he had never heard of it till he learned it from the attacks made on him in public newspapers in this province, and an honorable gentleman now in this House could testify that it was in consequence of the remonstrances of that gentleman and another then in London, that a certain amount was set apart for Canada and placed in his (Mr. H's) name.⁶⁹

MR. BROWN.--We will see about that again.⁷⁰

MR. J.S. MACDONALD contended that as parliament was to have met six weeks after the letter to Mr. Chapman was written, the honorable member for Renfrew might have waited until June last. He (Mr. M.) wanted to know if there was any matter in this country in which the honorable member for Renfrew had manifested so much interest in as the present subject under discussion.⁷¹ The House might ratify the agreement, but he would not.⁷²

MR. GALT thought that the real point at issue was lost sight of by personal recriminations. Whether Messrs. Glynn or the Barings had taken 6,000 or 16,000 shares, was a matter of perfect indifference to the province, provided they paid the calls upon it. Neither of these firms became connected with this company, or had anything to do with the stock in the hope of making money, and Messrs. (sic) Baring had in the first instance shewed a disinclination to have anything to do with it.⁷³

MR. BROWN asked what was to be done with the \$1,811,000 of the series of stock.⁷⁴

MR. GALT.--The contractors were bound to take it. There had been expended on the works £4,100,000; and of the guarantee £1,318,000 had been given. It would require £2,174,000 more to finish the works in progress, exclusive of the Victoria Bridge. Suppose the predictions (sic) which had been thrown out that the company should become bankrupt were realized; suppose this should occur six months after this bill had passed, the Province would be in a better position than if the House refused this bill, and stopped the works at once; because they would expend a good deal of their own money in that time and leave the less to be done by the Province.⁷⁵

MR. BROWN repeated his previous remarks adding a hope that the Victoria Bridge would be stopped. He thought the hon. Inspector General should see to this matter; that he was responsible for it, and could not afterwards shelter himself under the excuse that he found the arrangement in existence.⁷⁶

MR. INSP. GEN. CAYLEY observed that it would be very desirable, in considering the question whether or no the Grand Trunk Company should have the accommodation sought for by the Bill, that of being allowed to diffuse the guarantee over the whole expenditure, instead of confining it to those sections to which it was originally applicable. It would be very desirable that honorable members should agree as to the amounts that had actually been expended by the Company, on the works entitled to the guarantee, and the amount of guarantee paid or due to the Company, and also the amounts expended on works to which at present the guarantee was not applicable, and the amount which would be claimed ... on the latter, if the bill under discussion passed. The hon. member for Lambton had stated that a sum somewhere near six hundred thousand pounds would at once become due to the Company, if this clause passed. The hon. member was wholly in error; and he (Mr. Cayley) could only account for the mistake by his persisting in mixing up the amount of guarantee which had been paid or was already due to the Company with what they would become entitled to if the bill passed. The latter amount was three hundred and twenty-five thousand pounds⁷⁷.

No, no from MR. BROWN⁷⁸.

[MR. INSP. GEN. CAYLEY.]--Not one shilling more; and if the hon. member for Lambton would take the figures down he would go over them seriatim.

He then read:

On the Quebec and Trois Pistoles road were expended	£ 208,000
On the Montreal and Toronto	1,295,000
On the St. Lawrence and Atlantic	1,100,000
Quebec and Richmond	700,000

Total expenditure entitled to guarantee£3,303,000⁷⁹

And the total amount of guarantee paid, or due on these works, was one million three hundred and eighteen thousand seven hundred pounds. In addition to the expenditure just stated, the Company had laid out on the Toronto and Sarnia line six hundred and six thousand pounds, and on the Victoria Bridge, two hundred and thirteen thousand pounds, in all eight hundred and nineteen thousand pounds, not entitled to the guarantee, but on which if the bill passed an advance on account of the general guarantee would become due of three hundred and twenty-five thousand pounds and which the company sought to obtain in consequence of the tightness of the money market. The hon. member for Glengary had said that he did not object so much to the expenditure on the line west of Toronto, namely "between

Toronto and Sarnia,"--if that were the case, the whole difficulty resolved itself into the payment of the guarantee on the Victoria Bridge of eighty-two thousand five hundred pounds. Was the hon. member prepared to arrest the whole work for that sum?⁸⁰

MR. J.S. MACDONALD (Glengary) dissented.⁸¹

[MR. INSP. GEN. CAYLEY] then objected to the work west of Toronto. The apprehension which the two hon. members for Glengary and Lambton were endeavoring to create in the minds of hon. members, that the Victoria Bridge would never be finished, and that a very large amount of the money of the Province would be sunk in it, was set at rest entirely by the limitation proposed by the hon. member for Renfrew--that no advance beyond one hundred [t]housand pounds should be made on account of it.

He (Mr. Cayley) felt satisfied that if in the first instance the company had come forward and had offered to build the whole line from Trois Pistoles to Sarnia, with the aid of a guarantee of three thousand pounds per mile as a first charge, the House and the country would cheerfully have consented to it. And he would go further and say, that even if it should prove to be the case that the outlay itself was not directly productive, he was satisfied that the benefit to the Province from the opening up of so extensive a line of country was of that vast magnitude, that the return from the line itself sank into insignificance by the side of it. He was called upon by the Hon. Member for Lambton to assume the responsibility in his capacity of Finance Minister of recommending and adopting the bill before the chair--and to show to the House how he proposed to secure the completion of the line. In his opinion the outlay which had already been made was the best guarantee which the country could have of the sincerity of the company, and their desire to carry on the work. He was not disposed to give any credit to the charge or the suspicion which had been attempted to be raised that this was a mere attempt on the part of the company to get the sum of three hundred and twenty five thousand pounds into their hands, and then abandon the work--in other words to throw away the sum of two millions four hundred thousand pounds, which had already been laid out by them. He was satisfied that if the discussion which had been carried on for so many hours on this subject was stripped of all the personalities which, he must say, disfigured so important a debate as the one in which they were engaged --if all allusion to the motives which were supposed to have actuated the late Inspector General, the Governor General, the great firms of Glyn and Hallifax, and Baring Brothers, had been throwing (sic) aside, and the simple question put whether or no the House was prepared to sanction the proposition then before the chair, to advance the sum of three hundred and twenty-five thousand pounds on the expenditure already made by the company, and permit the application of the balance of the guarantee as long as it lasted, to the whole future expenditure of the company, he felt satisfied, he repeated, that the House would have little difficulty in arriving at a conclusion favorable to the application; which he thought was justified from the present state of the money market, and from the altered condition in which matters then stood, when compared with the prosperous state of trade and the facility of raising means before the war. He had no hesitation in supporting the adoption of the clause.⁸²

MR. YOUNG opposed the Bill, and insisted that the company should be held to the terms of their original contract,⁸³ in every particular; but at the same time he was willing to give the company every reasonable facility.⁸⁴

MR. MERRITT was in favor of the suspension of the Trois Pistoles and the Stratford and Sarnia section, because these portions would not pay at present.

The Company had undertaken too much.⁸⁵ The question as to the guarantee was very simple.⁸⁶ As for the security, there was no danger about that for all the amalgamated roads were to be held in security.⁸⁷ What must be looked to was the security to be got from the Company. The contracts before the amalgamation ought to be separated from those made since. The roads amalgamated with the Grand Trunk Railroad, the Government had nothing to do with. He objected to Victoria Bridge being constructed if the navigation was impeded. He thought however that the security of the Company might be taken.⁸⁸

MR. MACKENZIE was against the bridge being gone on with. He had been last Saturday to view a portion of the line of the Quebec and Richmond Railroad, with which he was much pleased.⁸⁹ He must confess that he returned happier after seeing the work; thinking how much better it was to spend our⁹⁰ public⁹¹ money on works of this kind than in war. Much had been said about the possible failure of this Company; but there was no fear of the Company failing, for it comprised Bank of England directors and other men of great eminence.⁹² [and] means.⁹³ The contractors who were men of known character and integrity were said to require the relief which this bill was intended to afford them; but there was no petition from them, and perhaps they might hereafter complain that it was an injury instead of a benefit. He did not see the evidence of that ruin that was spoken of. He saw no case made out for the proposed interference.⁹⁴

[MR. LARWILL] said he was opposed to the Bill in toto. He always opposed the organization of such a Co., believing it would from the powers and influence, it must necessarily possess and control, be highly destructive of the liberties of the people. He looked upon it as a mammoth evil, a hydra headed monster, it had more heads in that House now than the people had. We had all heard of the Irish Parliament, well, if things keep on in the direction they are now going, we should excel that Parliament in corruption very shortly.⁹⁵

MR. YOUNG thought that the Company should be held to their original contract.⁹⁶

A good deal of further discussion [occurred]⁹⁷.

MR. CHISHOLM'S amendment⁹⁸ to the 20th clause⁹⁹ for confining the guarantee to those portions of the road to which it previously applied, was then put and lost; only a very small number voting for it.¹⁰⁰

MR. S. SMITH (Northumberland) with the consent of the promoters of the Bill,¹⁰¹ moved the following proviso to the 20th clau[s]e as an amendment. That no further Provincial Bonds shall be issued for expenditure upon the Point Levi and Richmond, or Montreal and Portland Roads beyond the sum now issued viz., £717,500. That no Provincial Bonds shall be issued for expenditure upon any branch Railways or Railway now amalgamated or hereafter to be amalgamated, and to be hereafter construc[t]ed except those forming the direct line from Trois Pistoles to Sarnia, and that no further Provincial Bonds should be issued for the expenditure upon the Victoria Bridge than £100,000 sterling.¹⁰²

MR. BROWN moved in amendment that all the words after "Sarnia" be struck out, and the following inserted, "Provided always that the provincial aid shall be given to the Victoria Bridge." (Hear, hear.) He said that so soon as the £100,000 was expended, in all probability they would be applying for a further grant towards the Bridge, when the House met again in March. Honorable members must all recollect that the charter for the Bridge was given on the express understanding that no provincial aid would be given. (Hear, hear.)¹⁰³

On a division, Mr. Brown's amendment was lost, and Mr. Smith's proviso carried.¹⁰⁴

MR. BROWN then moved that the words "or plant provided since the 1st day of July, 1853," in the 50th line, be expunged. The effect of those words, he said, was to extend the provincial guarantee to expenditure on carts, barrows, tools, and implements of all kinds, temporary shops, &c.¹⁰⁵

Some conversation [took place]¹⁰⁶.

MR. BROWN altered his amendment, so as to substitute the words "rolling stock" for "plant", which was then carried.¹⁰⁷

MR. J.S. MACDONALD (Glengarry) then moved an amendment, which would have had the effect of withdrawing the guarantee from the Trois Pistoles Road east of St. Thomas. If the guarantee was to be diffused over works, he thought it should be taken away from those which were least necessary. He had heard that to buy up the support of the hon. gentlemen to the east of Quebec, the company were now to carry the line some thirty miles beyond St. Thomas, instead of stopping there as they had formerly announced.¹⁰⁸

MR. HINCKS admitted that it was now the intention to carry the line 18 miles below St. Thomas, to a place, which he said, would be a more convenient terminus.¹⁰⁹

The amendment was then put and lost, and the 20th clause was declared to be carried.¹¹⁰

MR. J.S. MACDONALD (Glengarry) opposed the 26th clause, as giving most unreasonable powers to the company to take whatever lands and materials they required.¹¹¹

MR. CARTIER maintained that this clause merely limited a right which by the Railways Consolidation Act, the company were entitled to exercise.¹¹²

Some further discussion [occurred]¹¹³.

The promoters of the Bill consented that this [26th] clause should be struck out.¹¹⁴

MR. POULIOT moved the addition of a clause, imposing certain restrictions on the company as to fencing, &c.¹¹⁵

MR. J.S. MACDONALD (Glengarry) supported the principle of the clause, and mentioned the inconvenience to which farmers were in many instances exposed by cattle trespassing on their fields, under the present system. He thought, however, that the amendment proposed had better be introduced into a general, than a particular Act.¹¹⁶

The amendment was then withdrawn.¹¹⁷

On the 27th clause being read¹¹⁸,

MR. BROWN objected strongly to the powers it gave to the company to construct wooden buildings within any municipality, contrary to the bye-laws of such municipality. He thought the corporation should be left to judge of the reasonableness of the demand in each particular case.¹¹⁹

The clause was carried on a division, as were also the 28th, 29th and 30th. The 31st was struck out, and the committee rose and reported the Bill as amended.¹²⁰

(351)

Ordered, That the Report be received on Wednesday next, and be then the first Order of the day.

Complaint being made to the House, that John Gleason, Esquire, had, in breach of the Privileges of this House sent a Letter to Napoléon Casault, Esquire, a Member of this House, containing a challenge to the said Napoléon Casault for his conduct as a Member of the Select Committee appointed in this Session of Parliament to inquire into and report to this House upon the Petition of Octave Cyrille Fortier, Esquire, complaining that the Signature to a Petition presented to this House against the Return of the said Octave Cyrille Fortier, Esquire, had not been subscribed by the Petitioner to the said last-mentioned Petition.

CAPT. RHODES wished to bring before the house the case of a gross breach of privilege committed against one of its members. A special committee had been appointed to enquire into and report to this house, upon the petition of Octave Fortier, Esquire, complaining that the signature of a petition presented to this house against the return of the said Octave Fortier, Esquire, for the county of Bellechasse, had not been subscribed by the petitioner to the said last mentioned petition. The petition purported to be signed by a person of the name of Fournier.--During the course of the Investigation, the question was put to one of the witnesses, John Gleason, Esq., advocate of Quebec, whether it was he who signed the name of Fournier. The witness replied, he had not, and subsequently, considering that he had been offended by such a question being put to him, he addressed a letter to the chairman of that committee, N. Casault, Esq, a member of this house,¹²¹ containing a challenge to¹²² that gentleman¹²³ for his conduct as a member of the Select Committee¹²⁴. Il considère que la conduite de M. Casault, le président du comité, en cette circonstance, lui fait beaucoup d'honneur, et que ce Monsieur a très bien compris sa position et son devoir de maintenir la dignité de la Chambre. Ce Monsieur a sans doute agi comme il devait faire en remettant le cartel entre les mains d'un autre membre pour être produit devant la Chambre. M. Rhodes alors lit quelques exemples de l'histoire parlementaire pour faire voir que la manière de procéder est, après avoir exposé le fait, de mettre le cartel sur la table, et de faire appeler un témoin qui puisse constater que l'écriture est celle de la personne accusée.¹²⁵

(351)

The said Letter was delivered in at the Clerk's Table, and read.

CAPT. RHODES further stated that James Oliva, Esquire, attended at the door, who could give t[h]e House information with respect to the hand-writing of the said letter¹²⁶.

(351)

And the House being informed that James Oliva, Esquire, attended at the door, who could give the House information with respect to the hand-writing of the said Letter; he was called in to the Bar, and examined, as followeth:--

(352)

Are you acquainted with the hand-writing of John Gleason, of Quebec, Advocate?--I am.

Is the Signature of the Letter now produced to you, the hand-writing of the said John Gleason?--To the best of my knowledge the Signature at the bottom of the Letter is the Signature of the said John Gleason.

And then he was directed to withdraw.

CAPT. RHODES said he would now leave the matter in the hands of the government¹²⁷, et il croit que c'est la conduite indiquée par la coutume parlementaire dans de pareils cas.¹²⁸

A desultory conversation followed, as to the duty of government in regard to such questions of privilege.¹²⁹

MR. COM. CR. LANDS MORIN said he did not see that it was the business of the government to take the matter up. His own opinion was that a gross breach of privilege had been committed, and he had no objection to ... the ordinary motion required in such cases¹³⁰. Il propose donc que la lettre soit déclarée un attentat aux privilèges de la Chambre, et que¹³¹ John Gleason¹³² soit arrêté par le sergent de cette Chambre pour répondre à l'accusation portée contre lui. (Non! Non.)¹³³

MR. AT. GEN. DRUMMOND agreed with his colleague in not admitting that it was the duty of the government of the day to take up a matter of this kind. It was true that in a similar case Mr. Baldwin and his colleagues took the matter up; but he thought the precedents were rather against that course. The hon. member who brought the question up ought rather to pursue it. It was evident that a breach of privilege had been committed and it was of such a nature that it could not be overlooked.¹³⁴

MR. J.S. MACDONALD expressed the opinion that it was the duty of the government to take up matters of this kind.¹³⁵

MR. AT. GEN. J.A. MACDONALD quoiqu'il soit très satisfait que M. Morin, étant à la tête d'une majorité de la Chambre, prenne la direction de cette affaire, proteste néanmoins contre l'idée que ce devoir lui appartient comme chef du gouvernement.¹³⁶ The privileges of the House were the privileges of the people; and, in matters of this kind, the ministry were not constituted the special guardian of those privileges. The matter belonged rather to the whole House.¹³⁷ La Chambre a tout le pouvoir nécessaire pour protéger ses propres droits.¹³⁸

DR. MASSON said he was a member of the committee of which the hon. member for Montmagny was chairman; that he was present when the question was put, and there was nothing said to give offence to any body. As he was member of the committee and his colleague had got a challenge to-night he might expect one in the morning. He called on the House¹³⁹ [OR] the government¹⁴⁰ to protect him, and if they did not he would protect himself.¹⁴¹

MR. AT. GEN. DRUMMOND was of opinion that the responsibility of prosecuting this matter did not rest on the Governme[n]t, but that it should be followed up by the member who brought it forward.¹⁴²

MR. BROWN croit qu'il est du devoir du gouvernement de prendre sur lui la punition de ceux qui enfreignent les droits du parlement. Et il cite un cas, à Toronto, dans lequel M. Baldwin a agi sur ce principe.¹⁴³

MR. COM. CR. LANDS MORIN pense qu'il peut être dangereux d'adopter le principe que ce devoir appartient au gouvernement. Il profite de cette occasion pour dire de plus, qu'il croit avoir entendu des cris de "non!" quand on allait proposer la question. Il doit croire que ces cris viennent de jeunes membres. Une telle proposition ne peut être refusée, ce serait une monstruosité. S'il y a des circonstances atténuantes, cela sera plus tard l'objet de la considération de la Chambre.¹⁴⁴

MR. SOL. GEN. H. SMITH croit qu'au lieu d'arrêter M. Gleeson (sic), le premier ordre doit être de l'assigner simplement.¹⁴⁵

(352)

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Attorney General Macdonald, and the Question being put, That John Gleason, Esquire, Advocate, of the City of Quebec, be taken into the custody of the Serjeant-at-Arms attending this House, to answer the matter of the said Complaint; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bellingham, Bourassa, Brown, Bureau, Cauchon, Chapais, Chauveau, Chisholm, Church, Crawford, Crysler, Jean B. Daoust, Delong, Desaulniers, DeWitt, Dionne, Jean B. E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Ferras, Flint, Foley, Octave L. Fortier, Fournier, Fraser, Galt, Gamble, Gill, Guéremont, Harman, Hodge, Holt, Langton, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, Macmillan, Masson, Matheson, Miller, Monrois, Morin, Angus Morrison, Munro, Murney, Niles, Papin, Patrick, Powell, Rankin, Rhodes, Robinson, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Spence, Stevenson, Taché, Terrill, and Valois.--(67.)

NAYS.

Messieurs Bell, Burton, Laberge, Lemieux, McKerlie, Joseph C. Morrison, Poulin, Pouliot, Sidney Smith, Somerville, and Thibaudeau.--(11.)

So it was resolved in the Affirmative.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Montreal Ocean Steam Ship Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Papin reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Wednesday next, and be then the second Order of the day.

Mr. Masson moved, seconded by Mr. Valois, and the Question being put, That this House do now adjourn;

The House divided:

Yeas, 20.

Nays, 15.

So it was resolved in the Affirmative.

And the House adjourned accordingly.

[QUESTION AND ANSWER RE: GRAND RIVER NAVIGATION.]

MR. MACKENZIE made, pursuant to notice, the following enquiry of Ministry, in Assembly.

"Whether the Government intend to bring forward any measure for the improvement of the Grand River Navigation, or for adding that Navigation to, and incorporating it with, the Welland Canal, under control of the Board of Works, and rendering it efficient?"¹⁴⁶

MR. PRES. EX. COUN. MACNAB rose and replied, that the government (sic) had come to no determination as yet upon that important question.¹⁴⁷

[QUESTION AND ANSWER RE: RELIEF OF ONEIDA AND TUSCARORA SETTLERS.]

MR. MACKENZIE [made] enquiry of Ministry ...

"Whether the Government intend to propose any measure of relief to the Settlers in Oneida and Tuscarora, whose complaints were embodied in the Petition of Sir Allan N. MacNab and 3000 others to His Excellency in Council?"¹⁴⁸

MR. PRES. EX. COUN. MACNAB rose and answered that this matter has not yet been under the consideration of the government.¹⁴⁹

[QUESTION AND ANSWER RE: ELECTORAL LEGISLATIVE DISTRICTS.]

MR. MACKENZIE made an "Enquiry of the Ministry, whether the Government intend to abide by the Electoral Legislative Council Districts not based upon population which the late administration sent to the Colonial Office, 31st December last; or if not, when the Legislative Council Bill, now before the House, will be rendered complete as a measure, by a Schedule of the Sixty Electoral Districts?"¹⁵⁰

MR. PRES. EX. COUN. MACNAB said very frankly that the government (he and his coadjutors) were not yet prepared to answer that question.¹⁵¹

[QUESTION AND ANSWER RE: GOVERNMENT MEASURES AND ADJOURNMENT.]

MR. BROWN said that, as honorable gentlemen were now every day leaving the Seat of Government, it was desirable that the Administration should inform the House of their intentions in regard to an adjournment. (Hear, hear.) If there was to be an adjournment, the unopposed Bills might be got through with, and all the others laid aside, except the two or three important measures now before the House.¹⁵²

MR. PRES. EX. COUN. MACNAB then stated, that the session would not be closed, but that there would be an effort made by the administration to pass, before the recess.

1. The Clergy Reserves bill;
2. Seigniorial Tenures bill;
3. Tariff Reduction bill;
4. The Bank bill; namely the bills to ... increase the capital stock of the Montreal and other Banks;
5. The Elective Legislative Council bill;
6. The Estimates for the supply required;
7. The Franchise bill; and lastly,
8. The Grand Trunk Railway bill.¹⁵³

After those matters were disposed of, the Government were prepared either to go on with the business of the country, or to consent to an adjournment, if that course were in accordance with the views and wishes of the House.¹⁵⁴

MR. HOLTON asked whether it was the determination of the Government to press the consideration of the Tariff, or give time to elicit an expression of opinion from the various interests. For his part he commended the promptitude with which the Inspector General had brought down his measure. He said he should regret to have the House adjourn for a lengthened period without perfecting it, but he was not prepared, as a representative of a commercial community, to go into the discussion of the subject until he had seen how the proposed changes were received by his cons[t]ituents.¹⁵⁵

MR. INSP. GEN. CAYLEY replied that he did not intend pressing the consideration of the Tariff. He had hurried down his resolutions, in consequence of the pressure on the part of the Member for Montreal, and he trusted that the honorable gentleman would ask no delay.¹⁵⁶

MR. HOLTON repeated; he commended the promptitude of the Inspector General in meeting the wishes of the House and the country; he only asked time,¹⁵⁷ before its consideration was pressed on the House,¹⁵⁸ as he believed was usual in such cases,¹⁵⁹ in order to get an expression of opinion upon it from the various commercial bodies throughout the country. He should be sorry if the question was not settled before the adjournment, but he considered that at the least an interval of ten days should take place between its introduction, and a final decision being come to regarding it.¹⁶⁰

MR. BROWN [asked a question]¹⁶¹.

MR. COM. CR. LANDS MORIN said that the Franchise Bill was one of such a nature that very little time would be occupied in passing it through the House.¹⁶²

MR. BROWN said it would very much expedite matters, if there was a perfect understanding whether there was to be an adjournment or not, and if so, as to the time when it would take place.¹⁶³ These measures might be got through in a few days if all other things were laid aside, which would be the case if the House understood the Government consented to an adjournment.¹⁶⁴

MR. PRES. EX. COUN. MACNAB replied that, after passing the measures he had named, the Government would be quite willing to consult the wishes of the House in regard to an adjournment.¹⁶⁵

MR. COM. CR. LANDS MORIN said the Government would consent to an adjournment if the House asked for it, but Government would not ask it.¹⁶⁶ There had been insinuations thrown out that the government desired an adjournment; but that this was not true; they did not desire it for themselves, but were willing to yield to the general desire of the House on the subject. He also stated that about ten days must elapse before the adjournment could take place.¹⁶⁷ He did not think the bills the Government intended to pass could be got through in less than ten days.¹⁶⁸

FOOTNOTES: 20 NOVEMBER 1854.

1. GLOBE, 1 December 1854 (in Scrapbook Hansard). It is not clear at what points the Committee of the whole rose then resumed debate so the entire debate has been included in the second sitting of the Committee on this day.
2. GLOBE, 1 December 1854 (in Scrapbook Hansard).
3. IBID.
4. GLOBE, 1 December 1854 (in Scrapbook Hansard). According to MORNING CHRONICLE, 24 November 1854, "Mr. Brown contended that the proposed diffusion of the guarantee, would entitle the contractors to receive \$666,000 of Provincial Debentures at once upon the security of \$1,500,000."
5. MORNING CHRONICLE, 24 November 1854.
6. GLOBE, 1 December 1854 (in Scrapbook Hansard).
7. MORNING CHRONICLE, 24 November 1854.
8. GLOBE, 1 December 1854 (in Scrapbook Hansard).
9. MORNING CHRONICLE, 24 November 1854.
10. GLOBE, 1 December 1854 (in Scrapbook Hansard).
11. MORNING CHRONICLE, 24 November 1854.
12. GLOBE, 1 December 1854 (in Scrapbook Hansard).
13. MORNING CHRONICLE, 24 November 1854.
14. GLOBE, 1 December 1854 (in Scrapbook Hansard).
15. IBID.
16. TORONTO DAILY LEADER, 28 November 1854.
17. GLOBE, 1 December 1854 (in Scrapbook Hansard).
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. TORONTO DAILY LEADER, 28 November 1854.
27. GLOBE, 1 December 1854 (in Scrapbook Hansard).
28. TORONTO DAILY LEADER, 28 November 1854.
29. GLOBE, 1 December 1854 (in Scrapbook Hansard).
30. IBID.
31. TORONTO DAILY LEADER, 28 November 1854.
32. GLOBE, 1 December 1854 (in Scrapbook Hansard).
33. TORONTO DAILY LEADER, 28 November 1854.
34. GLOBE, 1 December 1854 (in Scrapbook Hansard).
35. IBID.
36. TORONTO DAILY LEADER, 28 November 1854.
37. GLOBE, 1 December 1854 (in Scrapbook Hansard).
38. TORONTO DAILY LEADER, 28 November 1854.
39. IBID.
40. TORONTO DAILY LEADER, 29 November 1854. The account of this debate in TORONTO DAILY LEADER, 29 November 1854 is misdated November 16, 1854.
41. TORONTO DAILY LEADER, 29 November 1854.
42. IBID.
43. GLOBE, 1 December 1854 (in Scrapbook Hansard).
44. MORNING CHRONICLE, 24 November 1854.
45. GLOBE, 1 December 1854 (in Scrapbook Hansard).

46. TORONTO DAILY LEADER, 29 November 1854.
47. MORNING CHRONICLE, 24 November 1854.
48. IBID.
49. TORONTO DAILY LEADER, 29 November 1854.
50. GLOBE, 1 December 1854 (in Scrapbook Hansard).
51. TORONTO DAILY LEADER, 29 November 1854.
52. GLOBE, 1 December 1854 (in Scrapbook Hansard).
53. TORONTO DAILY LEADER, 29 November 1854.
54. GLOBE, 1 December 1854 (in Scrapbook Hansard).
55. TORONTO DAILY LEADER, 29 November 1854.
56. GLOBE, 1 December 1854 (in Scrapbook Hansard).
57. MORNING CHRONICLE, 24 November 1854.
58. GLOBE, 1 December 1854 (in Scrapbook Hansard).
59. MORNING CHRONICLE, 24 November 1854.
60. GLOBE, 1 December 1854 (in Scrapbook Hansard).
61. MORNING CHRONICLE, 24 November 1854.
62. IBID.
63. GLOBE, 1 December 1854 (in Scrapbook Hansard).
64. GLOBE, 1 December 1854 (in Scrapbook Hansard). MORNING CHRONICLE, 24 November 1854, indicates: "The whole stock had been given to the Barings--to Glynn & Co., £50,000, the honorable member for Renfrew, £20,000, and the Honorable John Ross, £50,000."
65. TORONTO DAILY LEADER, 29 November 1854.
66. IBID.
67. GLOBE, 1 December 1854 (in Scrapbook Hansard).
68. TORONTO DAILY LEADER, 29 November 1854.
69. GLOBE, 1 December 1854 (in Scrapbook Hansard).
70. IBID.
71. MORNING CHRONICLE, 24 November 1854.
72. TORONTO DAILY LEADER, 29 November 1854.
73. MORNING CHRONICLE, 24 November 1854.
74. IBID.
75. TORONTO DAILY LEADER, 29 November 1854.
76. IBID.
77. TORONTO DAILY LEADER, 29 November 1854. GLOBE, 1 December 1854 (in Scrapbook Hansard) places a very similar speech by Mr. Cayley earlier in the debate, that is, it includes it where the speech from TORONTO DAILY LEADER, 28 November 1854, (footnote 16) has been placed in the reconstructed debate.
78. IBID.
79. TORONTO DAILY LEADER, 29 November 1854. QUEBEC GAZETTE, 28 November 1854, indicates that the expenditure for the St. Lawrence and Atlantic line is £1,000,000 and lists the total expenditure entitled to guarantee as £3,203,000.
80. TORONTO DAILY LEADER, 29 November 1854.
81. MORNING CHRONICLE, 24 November 1854.
82. TORONTO DAILY LEADER, 29 November 1854.
83. GLOBE, 1 December 1854 (in Scrapbook Hansard).
84. TORONTO DAILY LEADER, 29 November 1854.
85. IBID.
86. MORNING CHRONICLE, 24 November 1854.
87. TORONTO DAILY LEADER, 29 November 1854.
88. MORNING CHRONICLE, 24 November 1854.
89. IBID.

90. TORONTO DAILY LEADER, 29 November 1854.
91. MORNING CHRONICLE, 24 November 1854.
92. TORONTO DAILY LEADER, 29 November 1854.
93. MORNING CHRONICLE, 24 November 1854.
94. TORONTO DAILY LEADER, 29 November 1854.
95. WESTERN PLANET, 6 December 1854.
96. MORNING CHRONICLE, 24 November 1854.
97. GLOBE, 1 December 1854 (in Scrapbook Hansard).
98. TORONTO DAILY LEADER, 29 November 1854. It is not clear when this amendment was moved.
99. GLOBE, 1 December 1854 (in Scrapbook Hansard).
100. TORONTO DAILY LEADER, 29 November 1854.
101. GLOBE, 1 December 1854 (in Scrapbook Hansard).
102. MORNING CHRONICLE, 24 November 1854. TORONTO DAILY LEADER, 29 November 1854, provides a slightly different version of Mr. S. Smith's amendment: "Provided further that no Provincial bonds shall be issued in favor of said company on account of any expenditure on the line of railway between Point Levi and Richmond and between Montreal and Portland beyond the amounts already issued on account of these roads, viz., £717,500. Nor shall any Provincial bonds be issued on account of expenditure on any branch railways to be hereafter constructed on account of expenditure on any lines of railway now amalgamated or which may hereafter be amalgamated with the Grand Trunk Railway excepting those forming part of the direct line from Trois Pistoles to Sarnia; neither shall any larger amount than £100,000 sterling of Provincial bonds be issued on account of expenditure on the Victoria bridge;" which was carried by a large majority.
103. GLOBE, 1 December 1854 (in Scrapbook Hansard).
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. GLOBE, 1 December 1854 (in Scrapbook Hansard). TORONTO DAILY LEADER, 25 November 1854, provides what appears to be the reporter's interpretation of Mr. J.S. Macdonald's views on the Grand Trunk Bill. It cannot be placed in any of the debates on the subject so it is noted for the reader's information.
 "Here is the substance of a speech, which Mr. J.S. Macdonald has champed over for half a week.

'The province has a first lien on certain specified portions of the Grand Trunk Railroad, and if you increase the security of that lien; if you extend it to the Victoria Bridge and the Toronto and Sarnia sections of the railway; if you put your mortgage upon a larger amount of property by some millions than it now applies to; if you increase the Provincial security by this amount, without adding to its obligations, the country will be ruined--ruined by having too large a security for the debentures it issues on account of this road.'

117. GLOBE, 1 December 1854 (in Scrapbook Hansard).
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. TORONTO DAILY LEADER, 29 November 1854.
123. GLOBE, 1 December 1854 (in Scrapbook Hansard).
124. TORONTO DAILY LEADER, 29 November 1854.
125. LE PAYS, 28 November 1854.
126. TORONTO DAILY LEADER, 29 November 1854.
127. IBID.
128. LE PAYS, 28 November 1854.
129. GLOBE, 1 December 1854 (in Scrapbook Hansard).
130. TORONTO DAILY LEADER, 29 November 1854.
131. LE PAYS, 28 November 1854.
132. TORONTO DAILY LEADER, 29 November 1854.
133. LE PAYS, 28 November 1854.
134. TORONTO DAILY LEADER, 29 November 1854.
135. IBID.
136. LE PAYS, 28 November 1854.
137. TORONTO DAILY LEADER, 29 November 1854.
138. LE PAYS, 28 November 1854.
139. TORONTO DAILY LEADER, 29 November 1854.
140. GLOBE, 1 December 1854 (in Scrapbook Hansard).
141. TORONTO DAILY LEADER, 29 November 1854.
142. IBID.
143. LE PAYS, 28 November 1854.
144. IBID.
145. IBID.
146. MACKENZIE'S WEEKLY MESSAGE, 1 December 1854.
147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. GLOBE, 1 December 1854 (in Scrapbook Hansard).
153. MACKENZIE'S WEEKLY MESSAGE, 1 December 1854. Telegraph (PILOT, 22 November 1854), places a very similar speech after the exchange between Mr. Holton and Mr. Insp. Gen. Cayley. (footnotes 155-160).
154. GLOBE, 1 December 1854 (in Scrapbook Hansard).
155. Telegraph (PILOT, 22 November 1854).
156. IBID.
157. IBID.
158. GLOBE, 1 December 1854 (in Scrapbook Hansard).
159. Telegraph (PILOT, 22 November 1854).
160. GLOBE, 1 December 1854 (in Scrapbook Hansard).
161. IBID.
162. IBID.
163. IBID.
164. Telegraph (PILOT, 22 November 1854).
165. GLOBE, 1 December 1854 (in Scrapbook Hansard).
166. Telegraph (PILOT, 22 November 1854).
167. TORONTO DAILY LEADER, 25 November 1854.
168. Telegraph (PILOT, 22 November 1854).

TUESDAY, 21 NOVEMBER 1854.

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RESOLVED, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address of both Houses to Her Most Gracious Majesty on the subject of relief to the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England (sic) and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "Legislative Assembly;" and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General requesting His Excellency to transmit the Joint Address of both Houses to Her Most Gracious Majesty on the subject of relief to the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, by filling up the blank with the words "Legislative Assembly."

Ordered, That the Honorable Sir Allan N. MacNab do carry the said Message to the Legislative Council.

Mr. Loranger brought up and laid on the table, the Petition of John Gleason.

Ordered, That the said Petition be now read, and the Rules of this House suspended as regards the same.

And the same was received, and read; setting forth: That the Petitioner had been ordered to be taken into the custody of the Serjeant-at-Arms, on account of a breach of the Privileges of this House, and was then in the custody of the said Serjeant for the said offence: That the Petitioner was sensible that he had committed a breach of the Privileges of the House, regretted it, and begged the indulgence of the House, and praying that he might be released from his confinement.

MR. LORANGER read a petition from John Gleason, Esquire, advocate, representing that he had been in custody of the serjeant at arms since twelve o'clock, stating that he was sensible he had committed a breach of privilege against the House, expressing his regret at it, and praying to be discharged from custody. He begged to move that the petition be now received.¹

MR. WILSON thought the petitioner should be placed at the bar, before the House could take any steps in the matter.²

MR. SICOTTE the SPEAKER.--Decided, that the motion was irregular.³

MR. LORANGER then moved that Mr. Gleason be brought to the bar of the House and discharged from the custody of the serjeant at arms.⁴

MR. COM. CR. LANDS MORIN thought that the two motions should not be put together. He therefore moved, that Mr. Gleason be brought to the bar to answer the breach of privilege against this House.⁵

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On motion of the Honorable Mr. Morin, seconded by the Honorable Mr. Spence, Ordered, That the said John Gleason be now brought to the Bar of this

House, for the said breach of Privilege.

The said John Gleason was accordingly brought to the Bar.

MR. COM. CR. LANDS MORIN then said there was no doubt that a gross breach of privilege had been committed, but in consideration of the expressions of regret in the petition, and the palliative circumstances of the case, he thought it was unnecessary for the House to proceed further in the vindication of its dignity. He therefore moved, that Mr. Gleason be discharged.⁶

MR. WILSON referred to a similar case that had taken place in the House of Commons⁷. En examinant les cas semblables en Angleterre, il trouve que la pétition doit constater que le pétitionnaire est sous la garde du sergent, et qu'il se repent de la conduite dont il s'est rendu coupable envers la Chambre et aussi envers le membre auquel il a écrit.⁸ (Hear, hear.)⁹ Dans la pétition qui vient d'être présentée, il n'y a pas un mot de l'offense contre le membre de la Chambre. Certes la Chambre ne peut être moins indulgente, que de requérir que le prisonnier suive les précédents anglais avant que d'être déchargé.¹⁰

MR. MURNEY said.--I consider it necessary that the petitioner should give an ample apology to the gentleman whom he has insulted in his capacity of chairman of a committee of this House. The chairman of such a committee is¹¹ entitled¹² [and] bound to place before any witness whatever questions the committee choose to propound¹³ and the President had done his duty.¹⁴ No man who comes before a committee of the Commons of Canada, has any right to take offence at any question that may be propounded to him. (Hear, hear.) In the present case that has been done¹⁵. He (Mr. Murney) would like to know whether the petitioner had given that ample apology to the chairman of the committee and the committee to this House which they were entitled to (hear, hear.)¹⁶ I insist that it is necessary for the petitioner to give an ample apology to the chairman of the committee whom he insulted, to the committee itself and to this House. He may stand on his privileges--we are bound to stand on ours, and they are the greatest privileges which this country can bestow. To send a challenge to any individual¹⁷ [OR] to an honorable member of that House,¹⁸ is contrary to the laws of the land. That challenge has been taken up by the hon. Commissioner of Crown Lands, as a breach of the privileges of this House; but I go further and ask¹⁹ the honorable commissioner²⁰ whether it has been taken up as a breach of the law.²¹ If the honorable gentleman had not done so, there were Crown officers in the House, who were and must be the patrons of the law of the land (hear, hear.) and they must protect honorable members individually as well as the meanest subject who walked the streets. He (Mr. M.) would like to know before the matter was disposed of, what was the intention of the Crown Officers.²² People talk of affairs of honour, and no doubt honour is a very fine thing²³ as mentioned the previous day.²⁴ Honour may be protected--it may be protected by the blade, it may be protected by the pistol, but it may be protected in other ways also, and those are the men of the highest honour who apyeal (sic) to the law of the land for their protection. That is the only protection which men of a high sense of honour can look to.²⁵ Men of family could not throw themselves upon a dagger or a pistol, according to the ideas of the present day, for old ideas had exploded upon the question.²⁶ (Hear, hear, and laughter.)²⁷ Je dis qu'autrefois en pareil cas on en appelait au poignard ou au pistolet, mais aujourd'hui on cherche un refuge dans le sanctuaire de la loi²⁸. The law of the land they should look to, and if the Canadian people sustained officers of the law, they were bound to sustain their supporters.²⁹ I do not know the gentleman at the bar at all, and probably if I did I might have some sympathy with him,³⁰ but people must be protected, and that

protection the people would look for at the hands of the Crown officers. The government could not shrink from responsibility in the matter, they must carry out the law. He (Mr. M.) was not willing to discharge the prisoner, he had been guilty of a gross breach of privilege (hear, hear.)³¹ In this matter there are higher interests than the feelings of individuals, and we must see to it that those are protected in the discharge of their duties, who are sent there to make laws for the people of Canada. (Hear, hear.)³²

MR. RANKIN said.--I quite concur with the hon. gentleman who has just spoken in his desire to assert the privileges of this House, but at the same time I have some sympathy with the privileges of the subject.³³ (hear, hear.)³⁴ And although the law-makers of this country, we should remember that we are but subjects of Her Majesty ourselves and subject to all the passions and infirmities of other men who have not the honour of being members of this illustrious legislative body (Hear hear.)³⁵ (laughter.)³⁶ And I think it would ill become us to grind any unfortunate youth to the dust,³⁷ who might from any excess of that feeling which they must all admire, and from that fine spirit which peculiarly characterized "the gentleman," too ready to meet sometimes an imaginary insult.³⁸ (Oh! oh!) I have not the³⁹ great⁴⁰ pleasure of the acquaintance of that gentleman--although I have no doubt I would be highly privileged if I had--but my sympathies are altogether with him, and it is my belief that he never intended to do the thing which it is not proper for him to do.⁴¹ The act upon his part, had originated from the high feelings of a gentleman, without being so much dictated by the experience of mankind. He might not have been sufficiently impressed with the dignity of that House (hear, hear,) and all the privileges that belonged to honorable members, and he might have his mind too strongly imbued in the principle that men stand upon a common footing whether the one is a member of Parliament or not,⁴² but it appears to me that his expressions of regret are a sufficient vindication of those privileges of this House against which he has offended,⁴³ (hear, hear,) and the House would be departing from their dignity and bearing,⁴⁴ and I think we would be going beyond our province, if we should presume to dictate to him the language we should use in conveying that expression of regret. I think, therefore, that we should discharge him without further question.⁴⁵ He would therefore second the motion for the petitioners discharge.⁴⁶

MR. CAUCHON did not agree with the views of the honorable commissioner for Crown Lands.⁴⁷ [Il] ne pense pas que la pétition soit suffisante, parce que la personne à la barre a insulté un membre de la Chambre et doit à ce membre une apologie. Il y a peut-être quelques circonstances qui peuvent excuser sa conduite, mais ces circonstances, s'il y en a, n'ont pas été constatées, et la Chambre n'eut peut (sic) juger.⁴⁸

MR. COM. CR. LANDS MORIN dit que lorsqu'il était jeune il était disposé à être très sévère dans ces cas d'attentat aux privilèges de la Chambre; mais aujourd'hui il en est venu à croire que le meilleur moyen est de les traiter avec indulgence.⁴⁹

MR. CASAULT (in French)⁵⁰ dit qu'il n'a pas soumis l'affaire à la chambre pour se protéger, mais à la suggestion du comité qui a jugé qu'en envoyant un cartel au président d'un comité de la chambre, on avait commis un attentat grave aux privilèges de la chambre.⁵¹ He did not come there to obtain any apology to himself, but to the House, (hear, hear.)⁵² He was prepared to protect it himself.⁵³ Il regarde l'apologie de la pétition comme une apologie faite à la chambre et non pas à lui.⁵⁴

CAPT. RHODES.--Was totally opposed to the course adopted by the House. If duelling was to be continued, people should be prepared for the consequences resulting therefrom, but it had been condemned in other countries and should be in Canada. There was no assurance given to the House that the petitioner would not carry the matter further. In fact he had been informed that⁵⁵, though the matter should be disposed of in the way now proposed, another opportunity would be taken of so insulting⁵⁶ the honorable chairman of the Committee⁵⁷ that he could not avoid accepting a challenge. He was opposed, therefore, to the prisoner being discharged, until he should state that the matter would go no further.⁵⁸ Il ne croit pas que la pétition contienne une apologie pleine et entière et à la chambre et au membre envers qui l'offense a été commise.⁵⁹ For his own part, if in the discharge of his public duty as a magistrate or as a member of this House any witness or other person who came under his jurisdiction should have the impertinence to send him a challenge, he should at once come before this House, and insist on the laws of this realm and the privileges of this House being enforced.⁶⁰ He (Capt. R.) had had some experience on duels although he had never fought one in his life, (laughter.) He would not vote for the motion.⁶¹

MR. FELTON objected to the views taken by the honorable member for Hastings (Mr. Murney) in his allusion to the Crown Officers. The prisoner in his (Mr. F.'s) opinion had fully atoned for the gross breach of privilege he had committed.⁶² The petitioner had been sufficiently punished by being brought before the bar--an operation which most persons would dread more than to face an enemy in battle.⁶³

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The Honorable Mr. Morin moved, seconded by the Honorable Mr. Spence, and the Question being put, That the said John Gleason, in consideration of his Petition presented this day, be now discharged out of custody; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Aikins, Alleyn, Bourassa, Brodeur, Bureau, Burton, Cartier, Casault, Cauchon, Chabot, Chauveau, Chisholm, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Jean B.F. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Fergusson, Ferres, Flint, Foley, Fournier, Fraser, Galt, Gill, Hincks, Holton, Jackson, Jobin, Labelle, Laberge, Langton, Laporte, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McKerlie, Marchildon, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, O'Farrell, Papin, Patrick, Polette, Poulin, Pouliot, Powell, Prévost, Rankin, Robinson, Roblin, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudau, Valois, and Young.--(84.)

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NAYS.

Messieurs Bell, Brown, Church, Larwill, Lumsden, John S. Macdonald, Mackenzie, Masson, Matheson, Murney, Rhodes, and Wilson.--(12.)

So it was resolved in the Affirmative.

And he was discharged accordingly.

A Message from the Legislative Council, by John Penning: Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council acquaint this House, that His Excellency the Governor General has appointed this day, at the hour of half-past Three o'clock in the afternoon, to be attended by both Houses with their Joint Address to Her Majesty, and also their Joint Address to His Excellency the Governor General, on the subject of relief to the Widows and Orphans of those of the Soldiers, Sailors, and Marines of the Allied Armies and Navies of England and France who have fallen or may hereafter fall in the Contest in which England and France are now engaged, and that the Legislative Council will attend His Excellency at that time.

And then he withdrew.

Mr. Speaker reported, That both Houses had attended His Excellency the Governor General this day, with their Addresses; to which His Excellency was pleased to give the following Answer:

Honorable Gentlemen, and Gentlemen,

I shall have much satisfaction in transmitting this loyal and dutiful Address, in order that it may be laid at the foot of the Throne; and in forwarding to its destination your munificent gift of charity, which conveys so gratifying an assurance of the sympathy of Her Majesty's Canadian Subjects in the cause in which Her Majesty is engaged, and so graceful a tribute to the Alliance now happily subsisting between the two great and powerful Nations whose descendants form one People in this Province.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Ferres,--The Petition of J.H. Sweet and others, of the Townships of Sutton, Potton, Bolton, Brome, and the East part of Farnham.

By Mr. Scatcherd,--The Petition of B.C. Doan and others, of the Township of Yarmouth, County of Elgin.

By Mr. Matheson,--The Petition of Donald McBain and others, of the Township of Kincardine, County of Bruce.

By Mr. Brown,--The Petition of the Kingston Sabbath Reformation Society; the Petition of the Synod of the Presbyterian Church of Canada; and the Petition of J.H. Glass, Chairman, and J.R. Gemmill, Secretary, on behalf of a Public Meeting of the inhabitants of the County of Lambton.

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By Mr. Wilson,--The Petition of M. Holmes and others, of the Town of London.

By Mr. Jean Baptiste Daoust,--The Petition of J.B. Legault and others, School Commissioners of the Parish of Ste. Scholastique, County of Two Mountains.

By Mr. Powell,--Two Petitions of L'Institut Canadien of Bytown.

By The Honorable Mr. Chauveau,--The Petition of A. Flamondon, Esquire, and others; and the Petition [of] E.B. Lindsay, Esquire, and others, School Commissioners of the Parish of Ste. Foy.

Mr. Langton reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Laval, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--John Frazer, Esquire, Francis H. Burton, Esquire, Jacob DeWitt, Esquire, Barthelemi Pouliot, Esquire; Chairman, François Lemieux, Esquire.

Mr. Langton reported from the General Committee of Elections, the Names of the Members of the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of

Argenteuil, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--
Joseph Papin, Esquire, Edwin Larwill, Esquire, Donald Matheson, Esquire,
Gidéon Mélasippe Prévost, Esquire; Chairman, Michael Hamilton Foley, Esquire.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have carefully examined the several Accounts and Vouchers, as submitted to them by the Accountant, and evidence of payment has been adduced to their satisfaction of all the items charged in the said Accounts, and classified as follow:--

	£	s.	d.
By Indemnity to Members, 12 Vic. c. 33.....	17,510	9	0
By Salaries to Officers of the House.....	10,193	15	5
By Extra Translators, and Writers.....	2,637	0	0
By Messengers.....	2,346	15	0
By Expenses of Committees.....	104	10	4
By Library.....	1,015	8	5
By Printing, Printing Paper, and Binding.....	25,808	18	10
By Stationery.....	1,791	17	2 ¹ / ₂
By Postage.....	3,585	10	9
By Newspapers and Advertizing.....	737	15	2 ¹ / ₂
By Tradesmen and others.....	3,566	1	6
By Miscellaneous.....	2,452	10	10
	£70,750	15	10

They further Report, that evidence has been produced to their satisfaction that the following sums have been received by the Clerk of the House:--

1852.		£	s.	d.
Sept. 6.	To Warrant on account of Indemnity to Members.....	5,000	0	0
" 21.--	" on Address of the 16th instant.....	5,000	0	0
	Carried over.....	£10,000	0	0

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		£	s.	d.
1852.	Brought over.....	10,000	0	0
Oct. 20.	To Warrant on Address of 18th instant.....	5,000	0	0
Nov. 6.--	" on Address of 3rd instant.....	10,000	0	0
1853.				
Feb. 25.--	" on account of Indemnity to Members.....	6,000	0	0
March 23.--	" on Address of 21st instant.....	5,000	0	0
April 29.--	" on Address of 27th instant.....	6,000	0	0
May 21.--	" on account of Indemnity to Members.....	5,000	0	0
June 9.--	" Fees on 75 Private Bills, at £15 each... 1,125	0	0	0
" 11.--	" balance of Indemnity to Members.....	3,500	0	0
" 17.--	" on account of Address of 14th June instant,.....	10,000	0	0
Sept. 22.--	" on account of Address of 14th June instant,.....	10,000	0	0
1854.				
April 11.--	" on account of Address of 14th June instant,.....	7,253	18	7
		£29,578	18	7

They further Report, that the balance of cash of Five hundred and seventy-eight pounds eighteen shillings and seven-pence, admitted as being due to the Clerk on the 27th August last, as then verified by the Committee on Contingencies, has been correctly carried forward in account.

They further Report, that the balance of Eight thousand and forty-nine pounds four shillings and two-pence, stated as in the hands of the Clerk on the 20th June last, has been so far accounted for by evidence, that the sum of Five thousand three hundred and forty-six pounds ten shillings, was the balance then at his credit in the Bank of Upper Canada, Four hundred and thirty-four pounds seven shillings and four-pence, was cash in the hands of the Accountant, and the sum of Two thousand two hundred and sixty-eight pounds six shillings and ten-pence, has been stated to Your Committee as advances made to various Officers in the House on account of their Salaries for the current quarter ending 30th June, 1854, and which statement appears to Your Committee to be correct.

In reference to the expenditure of Seventy thousand seven hundred and fifty pounds fifteen shillings and ten-pence, Your Committee desire to remark on the several items:--

Indemnity to Members.--It is recommended that Members should confine their applications for their Indemnity to stated periods, at the expiry of each month, except in cases of departure from the Seat of Government.

Salaries.--It is recommended that the Accountant be directed not to make partial payments on account; but for the convenience of the Officers, he may pay them regularly once a month when due, after the expiry of the current quarter.

Extra Translators and Writers, Two thousand six hundred and thirty-seven pounds.--Your Committee suggest that in the event of Your Honorable House adopting the Departmental system suggested in the Second Report of the Committee on Contingencies, the Extra Writers, &c. should be only appointed upon the requisition from the Department requiring additional office aid; by this means it is hoped this item will be hereafter reduced, as the present system appears to be to make these appointments irrespective of any pressing necessity; and it will further have the advantage of showing which Department of Your Honorable House is adequate for the discharge of its duty, by the regular staff employed.

Library, One thousand and fifteen pounds eight shillings and five-pence.--This expenditure does not appear to form part of the Contingent Expenses of the Legislative Assembly; it is recommended that such outlay be borne equally by the Honorable the Legislative Council.

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Printing, &c.--Twenty-five thousand eight hundred and eight pounds eighteen shillings and ten-pence.--Your Committee Report, that the sum of Three thousand seven hundred pounds sixteen shillings and eleven-pence appears charged as paid to the Queen's Printer, of which Two thousand one hundred and sixty-five pounds eighteen shillings and two-pence are not certified in any way. On investigation, it appears that the items comprized in these accounts are not really under the control of the Officers of Your Honorable House, but are in fact accounts incurred under the authority of the Executive, for work done by their order. Your Committee consider it their duty to point out, that no efficient check can exist on accounts so rendered; and they recommend that no accounts for Printing be admitted, except when ordered by Your Honorable House, and at the usual contract prices. The Printing required for the Executive, it is recommended should be paid by those Departments who are alone able to vouch for the accuracy of the items.

In the Printing of Bills, Your Committee found that in consequence of the Clerk of Private Bills being directed to collect and pay the Printer for such Bills, an error had arisen, from the Printer not having been careful to exclude all such Bills from his Account against the House. The amounts collected for such Bills are duly paid to him by the said Clerk, but no less than forty-three Private Bills appear charged against Your Honorable House, and paid by the Accountant. Your Committee have received Mr. Lowell's explanation in writing, and his request to be permitted to refund the amount of Two hundred and four pounds eleven shillings and one penny, so twice charged, which Your Committee have consented to.

In consequence of the evident room for error and overcharges by the present system, Your Committee recommend that the Clerk of Private Bills be directed to pay over to the Accountant, all sums collected by him for such Private Bills, in like manner as is now done in the case of Fees, and that the Printer be desired to charge to Your Honorable House the amount of all Bills, whether Public or Private.

Postage, Two thousand five hundred and eighty-five pounds ten shillings and nine-pence.--Of this amount, Five hundred and seventy-one pounds fifteen shillings and three-pence is charged as Postage for quarter ending 5th January, 1853. On investigation, it appears from the Pass-book of Your Honorable House, that the amount should have been Four hundred and ninety-eight pounds nineteen shillings and eight-pence, for the same period; and Your Committee recommend that the Post Office authorities be required to reimburse the overcharge. They also desire to record their entire satisfaction with the system adopted by Mr. Defries, in the management of the Postage Accounts of Your Honorable House.

Stationery, Tradesmen and Miscellaneous Expenses, amount to Seven thousand eight hundred and ten pounds nine shillings and six-pence.--On these items Your Committee must express their very strong opinion, that profusion and waste characterize the general expenditure, and that it is highly desirable to have a system whereby a check should be established. It appears to Your Committee that articles of any and every description are ordered on account of Your Honorable House, without apparent regard to cost, and by no authorized Officer; and it is utterly impossible to offer any opinion as to the necessity for a large part of the outlay. Your Committee recommend that from the present time, no article, except Stationery and Books, be ordered on account of Your Honorable House, except on requisition addressed to the Serjeant-at-Arms, by whom an order on the proper Tradesman or other party shall issue, and which orders must be produced to the Accountant when payment is required.

Your Committee also recommend, that so far as practicable, the supply of Your Honorable House with Stationery and other Miscellaneous articles, be done by contract, at prices to be established by the receipt of Tenders. It is the opinion of Your Committee that a large saving may be thus effected.

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Among the Miscellaneous charges, appears a sum of Six hundred and thirty-five pounds paid as bonus to the Officers of Your Honorable House, in December, 1853. This sum was given by the Clerk of the House, on condition of repayment if not approved by Your Honorable House, and was intended to place these Officers on precisely the same footing as the Clerks in the Public Departments. Your Committee find that the same scale was adopted as that sanctioned by Order in Council, and they recommend that Your Honorable House do sanction the payment of the amount.

The fee of Fifteen pounds payable on Private Bills, Your Committee report that it appears altogether inadequate and productive of many applications for

Private Bills of a very unimportant character, to the great increase of the expenses of Your Honorable House, and delay of public business. They therefore recommend that the Fee should be Fifty pounds, to be paid on the second reading of the Bill, and before any further proceeding be taken.

In general reference to the Accounts, Your Committee feel it their duty to Report, that while the Vouchers are all filed in the most correct manner by the Accountant, and do credit to his accuracy and attention in this particular, Your Committee find that no regular Books of Account have ever been kept of the Receipts and Expenditure of Your Honorable House, and that consequently it is difficult for them to certify to the correctness of the Accounts, and balances stated to them. The Accountant has certainly afforded Your Committee every information in his power, and nothing has appeared to make Your Committee doubt the accuracy or integrity of the Officer, but they consider the system as very defective, and recommend that Accounts involving so large an expenditure be forthwith ordered to be kept in proper Books by Double Entry.

Your Committee further desire to Report their very decided opinion, that it is entirely inconsistent with a proper audit of the Accounts of Your Honorable House, that these Accounts should remain without examination for a period extending from the 27th August, 1852, to the present time, and that thereby it has been impossible to satisfy Your Committee in regard to every item of the expenditure. Your Committee therefore recommend that, in future, the first business taken up by the Committee on Contingencies, be the audit of the Accounts for the previous year. By such delay, the present Committee has not merely to audit the Accounts now referred to, but they have also to audit those from 20th June to the 30th September last past, including the last meeting of Parliament, which was prorogued before the Committee had the Accounts before them.

The attention of Your Committee has been drawn to the recommendation of the Committee on Contingencies, during the Session of 1852-3, in their Eighth and Ninth Reports, of a grant to Alfred Patrick, Esquire, of Twenty-five pounds for each of the years 1852 and 1853, for extra services, and also the sum of Twenty-five pounds for extra service rendered for the same period, by Mr. A.L. Cardinal, the payment of which sums Your Committee hereby recommend.

[illegible]

W.B. Lindsay, Clerk, Assembly.

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Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee having had referred back to them by Your Honorable House, their Third Report, on the subject matter of the Petitions of W. Power, Esquire, and of Mr. M.A. Hearn, for re-consideration, beg to report, that they have investigated the Accounts furnished, and examined evidence thereon, and that, in their opinion, the Accounts charged are in conformity with the Statute respecting the allowance to be made for Commissions issued in the case of Contested Elections, viz: W. Power, Esquire, One hundred and eighty-five pounds two shillings and one-penny; and Mr. M.A. Hearn, One hundred and twenty-two pounds six shillings and five-pence half-penny.

Your Committee, however, do not find that under the Act 14 & 15 Vic. c. 1, the Committee on Contingencies have the power to order the payment of the said Accounts, but are of opinion that the remedy of the Petitioners must be sought under the provisions of the said Act.

Your Committee consider it their duty to bring under the notice of Your Honorable House, the fact, that as the law now stands, the expenses attending Contested Elections may devolve upon the Province, instead of being borne by the parties in the case.

No provision appears to be made for cases similar to that under consideration, (the Meganlic Election,) where the dissolution of the House of Assembly having taken place, has prevented the Election Committee from reporting, and consequently rendered it impossible to decide as to the party by whom the expenses attending the same should be borne. The Commission issued, being under the authority of Your Honorable House, it would entail manifest injustice on the persons employed under it, if a dissolution were to deprive them of their just remuneration; at the same time it is evident, that as the law now stands, they have no recourse against the late Sitting Member, or the Petitioner against him, except under their Recognizance, and if not paid by the Province they must lose the amount to which they are fairly entitled. Your Committee would respectfully call the attention of Your Honorable House very strongly, to the necessity of making such amendments to the Election Law as will protect the Province from the possibility of being required to pay the expenses attending Contested Elections in the case of a dissolution taking place before the Report of any Election Committee.

Your Committee have also considered the Petition of J.A. Taschereau, of St. Louis de Kamouraska, Commissioner for taking evidence in the matter of the Contested Election for the County of Kamouraska; and as the case is analogous to that of W. Power, Esquire, herewith reported upon, the same recourse applies to the Petitioner as to Mr. Power.

In the case of the Petition of J.C. Lefrançois, Your Committee find the same application failed in the last Session, and they therefore cannot recommend the prayer of the Petition to the favorable consideration of Your Honorable House.

Ordered, That the Fourth and Fifth Reports of the Standing Committee on Contingencies be printed for the use of the Members of this House.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to incorporate the Montreal Locomotive Marine and Steam Forge Works Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to incorporate the Montreal Dispensary.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

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The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General, pursuant to Addresses to His Excellency,--Return to an Address from the Legislative Assembly, dated 15th September last, for a Schedule containing the Names of all Public Defaulters, including all balances from Public Accountants.

For the said Return, see Appendix (S.S.)

Supplementary Return to an Address of the Legislative Assembly, of the 16th ultimo, for certain Correspondence relative to the Beauharnois Academy.

For the said Supplementary Return, see Appendix (B.)

On motion of MR. MACKENZIE,⁶⁴

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Ordered, that the Return relative to Public Defaulters, presented this day, be printed for the use of the Members of this House.

Ordered, that the Orders of the day be now read.

And the Order of the day for receiving the Report of the Committee of the whole House on the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, being read;

MR. AT. GEN. DRUMMOND moved that the question of concurrence be not now put, but that the Bill be referred back to the Committee of the Whole, with the view of making amendments on certain clauses, the necessity of which he had overlooked, when the Bill was forme[r]ly passing through Committee.⁶⁵ [Il] propose un amendement pour faire tomber sous l'opération de son bill la seigneurie de St. Armand, où les censitaires pour tous les droits seigneuriaux, ne paient qu'un chelin par cent arpents.⁶⁶

MR. WILSON demande si la seigneurie d'Anticosti a été l'objet de l'attention du Procureur-général;⁶⁷ [and] if any special provision would be made in reference to the Seignior of Anticosti. No part of it having been conceded,⁶⁸ [OR] quoique la seigneurie ait été concédée depuis la conquête⁶⁹, he understood that according to this Bill it would all be assumed by the Crown.⁷⁰

MR. AT. GEN. DRUMMOND dit que si la seigneurie a été concédée à titre de fief, elle doit tomber sous les dispositions de la loi comme toute autre seigneurie. Si elle a été concédée sous une tenure libre, elle ne sera pas affectée par le bill. Il est très probable que les droits du seigneur dans l'Isle d'Anticosti vendront toute la terre qui s'y trouve, et alors l'isle entière restera au seigneur. Ceci semblait être un paradoxe mais c'est le cas, car le seigneur pourrait n'être pas capable de concéder sa terre du tout.⁷¹ The value of the Seigniorial rights in unconceded lands, assumed by the Crown, would be fixed by the courts, and paid to the Seigniors.⁷²

The motion was then agreed to, and the House went into Committee on the Bill--Mr. Terrill in the chair.⁷³

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Ordered, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, for the purpose of making certain amendments thereto.

Resolved, That this House will immediately resolve itself into the said Committee.

CAPT. RHODES stated that he was one of the proprietors of the Seignior of the Island of Anticosti, the whole of which was unconceded lands, and he would like some further explanation of the manner in which it would be affected by this Bill.⁷⁴

MR. AT. GEN. DRUMMOND said that possibly (*sic*) in the case of Anticosti, which, as he understood, consisted of a bank of sand all round, with a swamp in the middle, the Seigniorial rights might be of greater value than the actual value of the land. The land was next to absolutely worthless, but supposing any one ever settled, and built upon it, the Seignior would be entitled to one twelfth of the value of the improvements in the case of a transference.⁷⁵

MR. HINCKS said, it might be well to make a special provision as to the expenses of fixing the indemnity in the case of Anticosti, for he was afraid the expenses of sending commissioners⁷⁶, qui agiront en vertu de l'acte seigneurial,⁷⁷ would out-balance the value of the whole island. (Hear, hear.)⁷⁸

MR. CAUCHON thought there was a fallacy in the Attorney General's argument that the value of the Seigniorial rights might exceed the value of the land, for he defied any man to make improvements on the island. On its outskirts, the trees were only from 3 to 3½ feet high, although in the interior they were rather higher among the ... swamps and salt lakes. He believed the present rent of the whole island was £125 a year.⁷⁹

CAPT. RHODES said that although one of the proprietors, he had never seen any rent, and he would be glad to believe that it was even yielding £125.⁸⁰

MR. FERRES remarked that the Island was one of the best hunting grounds in Canada. (Hear, hear.)⁸¹

MR. CAUCHON fait une proposition en amendement ... [à] la clause 33e ... tendant à faire courir les intérêts sur le capital des lods et ventes, aussitôt après la confection du cadastre. Il explique que le bill tel qu'il est se trouve injuste envers le seigneur. Dans le cas où le seigneur retire en lods et ventes etc., £300 par an, l'effet de ce bill sera de le priver de son revenu pendant deux ans à compter du dépôt des cadastres, et après huit ans pour jamais. Cela est entièrement déraisonnable en autant que tout le monde admet le droit au seigneur d'avoir ces lods et ventes. Le bill lui ôte tout profit provenant de l'augmentation de la valeur des terres. S'il est exproprié, il doit ou avoir son capital en mains, ou avoir une rente représentant son capital, à compter du jour de l'expropriation.⁸²

MR. AT. GEN. DRUMMOND appuie la proposition de M. Cauchon pour des raisons semblables à celles que ce monsieur a fait valoir.⁸³

Quelque discussion [se tient]⁸⁴.

MR. COM. PUB. WORKS CHABOT et MR. CASAULT prennent part [à la discussion], le premier en faveur et l'autre contre l'amendement.⁸⁵

MR. LABERGE dit que ce seront précisément ceux qui n'ont aucun désir de vendre leurs terres qui seront le plus compromis par le plan que favorise le

commissaire des terres de la couronne. Après tout, quelle différence sérieuse y a-t-il entre ce monsieur et ceux qui, comme lui, désirent la commutation forcée? ce monsieur laisse le censitaire payer l'intérêt sur le capital des lods et ventes, jusqu'à ce qu'il commue, les autres veulent qu'il paie 2 ou 2½ pour cent de plus, c'est-à-dire 8 ou 8½ pour cent sur le capital pendant un certain nombre d'années, avec l'assurance qu'à la fin, la Tenure Seigneuriale sera pour toujours anéantie. On dit que les commissaires devront estimer l'indemnité qui sera actuellement due au seigneur pour ses pertes; mais comment cela peut-il se faire? comment estimer la perte encourue par le seigneur par le morcellement de ses droits, au moyen de paiements distribués, dans quelques seigneuries, en vingt, et dans quelques autres en cinquante ou cent instalments? Par la clause du bill telle qu'amendée, les censitaires qui ne paieront pas la commutation seront tenus d'en payer les intérêts. Il répète donc que la seule différence des deux plans est que d'après celui qu'il (M. Laberge) exprime, le censitaire par le paiement d'une addition très minime à l'intérêt du capital, se déchargera de l'obligation entière. La discussion fait voir l'absurdité de la position de ceux qui refusent la commutation forcée. Il y aura toujours des inconvénients à laisser exister aucune partie de la Tenure, et ce qu'il fait, c'est non pas seulement de permettre l'établissement de manufactures, etc, mais d'en finir avec l'institution. Néanmoins, il se trouve des personnes qui craignent d'imposer une petite augmentation temporaire aux paiements annuels des censitaires parce qu'elles le croient impopulaire et parce qu'elles croient que la chose ne sera pas comprise par les électeurs. Ces considérations n'exercent aucune influence sur lui. Il est là non pas pour reculer devant des préjugés, mais pour juger de ce qui est profitable au pays. Que tous les arguments et tous les sophismes soient employés; ceux qui veulent une commutation telle que celle décrétée par la clause amendée, et ceux qui veulent une commutation forcée désirent la même chose. Il ne fera qu'une autre observation que voici:-- Dans les seigneuries du gouvernement, on peut déjà commuer à un prix très modique à peine excédant un seul paiement de lods et ventes; et pourtant les censitaires ne cherchent pas à racheter leurs propriétés. Si donc on veut réellement que la commutation générale ait lieu, il est nécessaire que les censitaires soient forcés d'avoir égard à leurs propres intérêts, afin que la Tenure disparaisse d'une manière ou d'une autre.⁸⁶

MR. BUREAU n'a pas l'intention de parler au long sur le sujet--Il n'a que quelques remarques à ajouter à celles qui ont été faites par les honorables membres qui l'ont précédé.--Il veut seulement établir par des chiffres que si l'honorable procureur général amende la 29^{me} clause de manière à laisser courir l'intérêt pour un temps indéterminé, sans prescription, ce système serait ruineux pour le censitaire. Toutes les difficultés qui se présentent maintenant ont été longuement discutées par la Convention anti-seigneuriale de Montréal--et cette Convention en est venue à la conclusion que le seul système praticable et propre à rendre justice aux censitaires et aux seigneurs était l'abolition immédiate.

Pour mieux faire voir les funestes conséquences qu'entraînerait l'amendement proposé à la clause en question, M. Bureau prend pour exemple un[e] terre de 100 arpents--de la valeur de £300 qui aurait à payer pour son rachat de lods et ventes un douzième. Cette terre se trouverait grevée après une période de 50 ans d'une somme de £90.

1. Capital représentant les lods et ventes	£25
2. Intérêts	75
	<hr/>
Total	£100

Et cela en sus des cens et rentes que le censitaire aurait payé[s] régulièrement au seigneur. Il est rare qu'une terre ne donne point de lods et ventes dans une période de 50 ans--En supposant même le cas où un censitaire mourrait ab intestat; alors la propriété se morcelle et, après partage, se vend. Ce système est donc ruineux pour le censitaire qui ne mettra pas en pratique le système d'abolition immédiate.

Dans l'intérêt même du censitaire, l'abolition immédiate est préférable.⁸⁷

MR. AT. GEN. DRUMMOND croit que les calculs du représentant pour Napierville sont de beaucoup trop élevés. Les droits de commutation ne s'élèveront point à un 25^{me} de la valeur d'une terre.⁸⁸

MR. CAUCHON dit un quart d'un lods et ventes.⁸⁹

MR. AT. GEN. DRUMMOND concourt dans cette opinion et croit que le droit de commutation ne s'élèvera pas à un quart d'un lods et ventes--que c'est une somme trop minime pour ruiner le censitaire. (M. Drummond réduit donc le rachat des lods et ventes pour une terre de £300 à la somme de £6 5s.) Plusieurs membres pressent M. Bureau d'insister par un amendement pour que le rachat n'excède pas un quart d'un lods et ventes.⁹⁰

MR. A. DORION (Montréal) fait remarquer que la première clause du bill qui parle de la commutation pourvoit à ce que l'intérêt sera payé sur le capital des lods et ventes pour dix ans, mais vient ensuite une clause qui traite encore de la commutation qui doit s'accomplir d'une autre manière, et là il n'y a aucune mention de l'intérêt. Cela est sans doute le résultat de l'inattention, mais il lui semble que cette partie du bill doit être amendée, car à présent celui qui commuerait volontairement serait tenu de payer l'intérêt pendant que celui qui serait forcé de le faire n'en payerait aucun. Tout le monde doit être convaincu, que rien n'est plus difficile que de rendre justice à toutes les parties sans adopter le principe d'une commutation forcée et uniforme. Cette clause dont il s'agit actuellement a été changée trois fois, et maintenant on va la changer pour la quatrième fois. Au commencement, le censitaire devait payer pour la commutation une somme équivalant au capital représenté par la valeur annuelle des lods et ventes, année commune. Ensuite on l'a changée de manière que le censitaire devait payer l'intérêt à compter de la confection du cadastre jusqu'au temps de la commutation. Maintenant il doit le payer pendant dix ans, moins les deux premières années après la confection du cadastre; et on va la changer pour le faire payer encore à compter du dépôt du cadastre jusqu'à la commutation. Il est donc constaté qu'il est impossible de rendre au seigneur cette justice que le procureur général et tous les autres membres veulent lui rendre, sans établir quelque chose qui serait en effet une commutation forcée. On a objecté à la proposition qui a été faite par lui, (M. Dorion) et par ses amis, qu'ils voulaient une commutation moyennant un paiement immédiat du capital. Mais cela n'est pas vrai: ce qu'il désire est une commutation immédiate payable par des versements en 10, 15 ou 20 ans, comme on l'aurait jugé plus à propos. Rien ne peut mieux démontrer la nécessité de l'abolition absolue que le fait qu'une cinquième partie de toutes les poursuites dans les cours du Bas-Canada, proviennent des réclamations des seigneurs pour leurs droits; et cet état de choses continuera jusqu'à ce que le système entier soit aboli. Il ne connaît aucun exemple dans l'histoire d'un changement de tenure qui n'ait été compulsoire, et il cite l'exemple de la commutation, l'acte changeant la tenure des Copyholds en Angleterre pour faire voir que là le tenancier a été forcé de commuer.⁹¹

MR. TURCOTTE affirme que la législation dont il s'agit dans l'amendement accepté par le procureur-général est d'une espèce qui plus tard sera regrettée amèrement par le procureur général, parce que les propriétaires du pays ne sauront si leurs terres leur appartiennent ou non. L'amendement aura l'effet d'exproprier un grand nombre de propriétaires.⁹²

MR. THIBAUDEAU déclare que le Bill est bien plus favorable aux seigneurs qu'aux censitaires.⁹³

L'amendement est finalement emporté⁹⁴.

Amendments ... [were] made on several ... of the clauses.⁹⁵

MR. LANGTON rose to propose one on the 64th, which provided that if the sums payable out of the Consolidated Revenue Fund towards the indemnity &c. should exceed the total amount of the sums arising from the special sources of revenue set apart, "a sum equal to such excess may be appropriated by Parliament for some local purpose or purposes in Upper Canada." He (Mr. L) thought that that was not sufficient as it merely left it to some future Parliament to appropriate equivalent amounts to Upper Canada, if they thought fit, and left the purposes to which the appropriation should be made altogether indefinite. He therefore moved an amendment, providing definitely that an equivalent to that excess should be appropriated to the Upper Canada Municipalities Fund created under the Clergy Reserves Bill.⁹⁶

MR. AT. GEN. DRUMMOND said the amendment seemed to be a necessary consequence of what was provided in the Bill, and he had no objections that the amount in excess should be approp[r]iated at once to the Municipalities Fund, if hon. gentlemen from Upper Canada were satisfied that that was the best object to which it could be devoted.⁹⁷

MR. COM. CR. LANDS MORIN ... [said] a few words⁹⁸.

MR. AT. GEN. DRUMMOND, having consulted with Mr. Turcotte, said, that perhaps it would be better to let the Bill stand as it was. Some better object might afterwards be suggested when the necessity arose.⁹⁹

MR. BROWN--Hear! Hear!¹⁰⁰

MR. AT. GEN. DRUMMOND.--The hon member for Lambton cries Hear, hear. I am sure I wish to meet the views of the people of Upper Canada in this matter, and as the security of the Province is given that the amount shall be so appropriated, I think that is all that is required in the meantime.¹⁰¹

MR. LANGTON.--I am perfectly willing to withdraw my amendment, if any hon. member from Upper Canada can suggest any better mode of appropriating the fund.¹⁰²

MR. AT. GEN. DRUMMOND expressed his willingness to alter the word "may" to the word "shall."¹⁰³

MR. LANGTON replied that for this Parliament to say that some future Parliament should do so and so, would have no effect. The thing should be done now, to secure any certainty of the appropriation.¹⁰⁴

MR. AT. GEN. DRUMMOND said he would alter the clause so as to read that the sum should be set apart, to be appropriated by some future Parliament to whatever purpose they should think proper.¹⁰⁵

MR. BROWN considered that that would still leave the matter uncertain. His only objection to the amendment of the hon. member for Peterborough, was that it did not go far enough. He should have included in his motion that an equivalent should be set apart to Upper Canada for the Seignior of Lauzon, which there could be no doubt was Provincial property. (Hear, hear.)¹⁰⁶

MR. PRES. EX. COUN. MACNAB did not see ... the necessity of the amendment. The Bill provided that the money should be appropriated when the necessity arose. Why appropriate it now?¹⁰⁷

The amendment moved by Mr. Langton was then put and lost, and the words suggested by Mr. Drummond, "shall be set apart" inserted in the clause.¹⁰⁸

Some other amendments were made on the Bill¹⁰⁹.

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*The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had gone through the Bill, and made amendments thereunto.*¹¹⁰

MR. AT. GEN. DRUMMOND moved that the question of concurrence in the report of the Committee be now put.¹¹¹

MR. LABERGE moved that the House do now adjourn.¹¹²

MR. HOLTON hoped that the hon. Attorney General, after having spent the whole night in amending his own handiwork, would not press the motion for concurrence at this late hour, without allowing hon. members time to consider the amendments which had been made.¹¹³

MR. AT. GEN. DRUMMOND wished the question of concurrence to be proceeded with.¹¹⁴

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The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Morin, and the Question being proposed, That the Report be now received;

Mr. Laberge moved, seconded by Mr. Casault, and the Question being put, That this House do now adjourn;

The House divided:

Yeas 27.

Nays 41.

So it passed in the Negative.

MR. BROWN moved in amendment,--That the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that the right of using the unimproved water powers belonging to each Seignior for milling and manufacturing purposes, shall be conveyed to the Crown and sold for the benefit of the indemnity fund. He said he did not wish to raise (*sic*) any debate, but would merely explain that the Bill conveyed the water privileges to the Censitaire, whose property happened to lie alongside the water course, although he had no claim now to exercise any right over them, and never expected them to belong to him. It was very evident that they either belonged to the Crown or to the whole of the Censitaires. There was at all events no justice in conveying them to the individual Censitaire, who had never had them in any shape, and had not a shadow of claim to them.¹¹⁵

(361)

And the Question being again proposed, That the Report be now received;

Mr. Brown moved in amendment to the Question, seconded by Mr. Aikins, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that the right of using the unimproved water-powers belonging to each Seigneur for milling or manufacturing purposes shall be conveyed to the Crown, and sold for the benefit of the Indemnity Fund" instead thereof; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Darche, Antoine A. Dorion, Dufresne, Flint, Foley, Frazer, Guévremont, Hartman, Jobin, Laberge, Lumsden, Roderick McDonald, Mackenzie, Marshall, Matheson, Mattise, Papin, and Valois.
--(22.)

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NAYS.

Messieurs Alleyn, Bell, Bellingham, Brodeur, Cartier, Casault, Cauchon, Sayley, Chapais, Chisholm, Church, Cryster, Jean B. Duast, DeLong, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Ferres, Octave C. Fortier, Fournier, Gill, Labelle, Laporte, Loranger, Lyon, Macbeth, Attorney General McDonald, Sir A.N. MacNab, Mason, Monjeux, Morin, Angus Morrison, Polette, Poulin, Powell, Prévost, Rankin, Solicitor General Ross, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.--(47.)

So it passed in the Negative.

MR. BROWN again moved in amendment "That the Bill be recommitted to a Committee of the whole House, to amend the same, by leaving out that portion of the 51st Clause which authorized the Ecclesiastical Corporations of Lower Canada to invest the money they may receive in commutation of their Seigniorial Rights 'in any lands or tenements' in Upper as well as Lower Canada:" He explained that the Bill authorized the Ecclesiastical Corporations of Lower Canada to invest the money they received in commutation of their Lower Canada Seigniories in U. Canada lands, or in Provincial Debentures. The effect of this amendment would be to prevent the money being invested in real estate, by which the soil would be locked up in mortmain, to compel the money to be invested in Provincial securities. He was sure that every Upper Canadian at least would give his vote against the extension of these in various ecclesiastical land reservations to Upper Canada.¹¹⁶

(362)

And the Question being again proposed, That the Report be now received;

Mr. Brown moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by leaving out that part of the 51st Clause which authorizes the Ecclesiastical Corporations of Lower Canada to invest the money they may receive in commutation of their Seigniorial Rights 'in any lands or tenements' in Upper as well as Lower Canada" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, Chisholm, Church, Ferres, Flint, Foley, Frazer, Hartman, Langton, Lunsden, John S. Macdonald, Roderick McDonald, Mackenzie, Matheson, Mattice, Munro, Seathard, Sidney Smith, Somerville, and Wilson.--(22.)

NAYS.

Messieurs Alleyn, Bellingham, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chapais, Crozier, Jean G. Dugas, Gauthier, Gosselin, Gosselin, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Jobin, Labelle, Laberge, Laporte, Larivière, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. Macdonald, Marchildon, Mission, Mongenais, Morin, Angus Morrison, Muir, Quinn, Rivest, Powell, Prévost, Rankin, Solicitor General Ross, Solicitor General Smith, Spence, Stevenson, Taché, Terrill, Thibaudeau, Turcotte, and Valois.--(54.)

So it passed in the Negative.

MR. BROWN again moved in amendment, "That the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that within three months from the passing of this Act, a Schedule shall be obtained from all Seigniors to be affected by the said Bill, and laid before both Houses of the Provincial Parliament, shewing in detail the amount of loss claimed by each Seignior to have resulted or thereafter to result to him, by reason of his having been curtailed, limited or restrained by this Act in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act; and it shall not be lawful, for any proceedings to be taken under this Act until such Schedule has been laid before Parliament for thirty days during a Session of Parliament." He said they were about to pass a Bill which would cost the country, no one could tell how much,--perhaps a million pounds.¹¹⁷

MR. MACKENZIE--perhaps two millions--¹¹⁸.

Cries of Oh! Oh! and interruption by the French members¹¹⁹.

MR. BROWN [continued:] Hon. gentlemen who voting (sic) money out of the pockets of the people of Upper Canada, into their own pockets and those of their constituents should not be so clamorous, (Hear, hear.) The simple object of his amendment was to receive from the Seigniors a statement of their claims before the Bill should pass into a law, and he believed they would ask much less than the Courts would give them (Hear, hear.) Instead of passing this Bill entirely in the dark, they should have some information as to the amount of the demands which would be made on the public purse.¹²⁰

(332)

And the Question being again proposed, That the Report be now received;

Mr. Brown moved in amendment to the Question, seconded by Mr. Flint, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that within three months from the passing of this

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Act, a Schedule shall be obtained from all Seigniors to be effected by the said Bill, and laid before both Houses of the Provincial Parliament, shewing in detail the amount of Lods claimed by each Seignior to have resulted or

thereafter to result to him, by reason of his having been curtailed, limited or restrained by this Act in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act; and it shall not be lawful for any proceedings to be taken under this Act until such Schedule has been laid before Parliament for thirty days during a Session of Parliament" instead thereof;

And a Debate arising thereupon;

Mr. Pouliot moved, seconded by Mr. Thibaudeau, and the Question being put, That the Debate be now adjourned; the House divided:--And it passed in the Negative.

And the Question being put, That all the words after "That" to the end of ... the Original Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that within three months from the passing of this Act, a Schedule shall be obtained from all Seigniors to be effected by the said Bill, and laid before both Houses of the Provincial Parliament, shewing in detail the amount of Lods claimed by each Seignior to have resulted or thereafter to result to him, by reason of his having been curtailed, limited or restrained by this Act in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act; and it shall not be lawful for any proceedings to be taken under this Act until such Schedule has been laid before Parliament for thirty days during a Session of Parliament" instead thereof; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, Church, Antoine A. Dorion, Flint, Foley, Fraser, Giesbrecht, Harman, Johnson, Johnston, Lumsden, John S. Macdonald, Frederick McDonald, Mackenzie, McLevie, Marchildon, Mattice, Munro, Papin, Robinson, Scatcherd, Valois, and Wilson.--(26.)

NAYS.

Messieurs Alleyn, Bellingham, Bourassa, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapuis, Chisholm, Chrysler, Jean B. Dugas, Darche, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Octave C. Fortier, Fournier, Gill, Labelle, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Masson, Matheson, Mongenais, Morin, Angus Morrison, Niles, Patrick, Poulin, Pouliot, Powell, Prévost, Rankin, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Turcotte.--(54.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BROWN moved in amendemnt (sic), "That the Bill be recommitted to a committee of the whole House, to amend the 64th Clause, by providing that Upper Canada shall receive for local purposes a sum equal to the value of the Seignior of Lauzon, and of the dues of the Crown Seignior Dominant, the said Seignior and the said dues being Provincial property," (Oh! oh!) He wondered how any hon. member could have the least doubt as to the propriety of this motion. The Seignior of land on crown dues were as much Provincial property as any other lands of the crown. The hon. gentlemen now on the Treasury Benches recognized them in 1853 as such (Hear, hear.) It was unfair to the Eastern Townships and to Upper Canada that these properties should be placed in the Bill as Lower Canada property. (Hear, hear.)¹²¹

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Mr. Brown moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the 64th Clause, by providing that Upper Canada shall receive for local purposes, a sum equal to the value of the Seignior of Lauson and of the Crown Dues as Seignior Dominant,--the said Seignior and the said Dues being Provincial Property" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Brown, Flint, Foley, Frazer, Hartman, Larwill, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Mattice, Munn, Scatcherd, and Wilson.--(16.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Bourassa, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Cusker, John E. Dugas, Darche, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Octave C. Fortier, Fournier, Gill, Guérin, Holton, John, Labelle, Laberge, Langton, Laporte, Longyer, Macbeth, Attorney General Macdonald, Sir A.N. McNab, Mascon, Matheson, Menzies, Morin, Angus Morrison, Niles, Papin, Patrick, Poulin, Prévost, Runkin, Robinson, Rollin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibault, and Turcotte.--(62.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. LANGTON moved in amendment, "That the Bill be recommitted to a Committee of the whole House, with instructions to amend the 64th Clause, by providing that whenever any money is paid out of, or any debentures are issued upon the credit of the Consolidated Revenue Fund, in respect of expenditure authorized by this Bill, and not provided for by the sources of Revenue therein specially named, then a similar sum, or the proceeds of debentures to a like amount, shall be paid in to the Upper Canada Municipality Fund."122 Il dit que le bill n'oblige à rien par rapport à la compensation qui doit être faite en faveur du Haut-Canada. Il dit simplement qu'une somme semblable à celle qui sera prise à même le revenu consolidé pour les fins de ce bill "peut" être appliquée à des fins spéciales dans le Haut-Canada. Il veut dire au lieu de cela qu'une telle somme, dans le cas prévu, devra être de suite appropriée d'une manière indéfinie. Il mentionne les fonds municipaux du Haut-Canada comme des fonds convenables pour recevoir l'argent qui pourra devenir due à cette partie de la province; mais si quelqu'autre membre en suggère une meilleure disposition il n'a aucune objection à l'adopter.123

MR. AT. GEN. DRUMMOND dit qu'il n'a aucune objection à l'amendement, mais après quelques remarques de part et d'autre il dit qu'il ne voit aucune raison valable pour changer le bill. Pour lui, il est certain que les revenus consolidés ne seront jamais grevés d'aucune charge au-delà des revenus spéciaux du Bas-Canada affectés par ce bill.124

MR. BROWN said it would be a most extraordinary thing if this amendment did not pass. Without it, there would be no certainty that Upper Canada would

ever receive any equivalent for the £150,000 voted to the Seigniors out of the public chest, over and above the special funds. The amendment was negatived by 54 to 22, the Upper Canada vote being 22 to 15, or a majority of 7 in favour of the amendment.¹²⁵

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Mr. Langton moved in amendment to the Question, seconded by Mr. Sidney Smith, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an instruction to amend the 64th Clause, by providing that whenever any money is paid out of, or any debentures are issued upon the credit of, the Consolidated Revenue Fund, in respect of expenditure authorized by this Bill, and not provided for by the sources of Revenue therein specially named, then a similar sum, or the proceeds of debentures to a like amount, shall be paid in to the Upper Canada Municipalities Fund" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Brown, Church, Flint, Foley, Frazer, Hartman, Langton, Larwill, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Matheson, Mattice, Munro, Patrick, Powell, Scatcherd, Sidney Smith, and Wilson.--(22.)

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NAYS.

Messieurs Alleyn, Bellingham, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Crysler, Jean B. Daoust, Darche, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Fournier, Gill, Guévremont, Holton, Labelle, Laberge, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Marchildon, Masson, Mongenais, Morin, Angus Morrison, Niles, Pouliot, Prévost, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Turcotte, and Valois.--(54.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Foley moved in amendment to the Question, seconded by Mr. Flint, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the 67th Clause, by leaving out that part which provides that an equivalent for the sums taken from the Provincial Chest for the adjustment of the Seigniorial Tenure may be appropriated by Parliament for some local purpose or purposes in Upper Canada, and to provide instead thereof, that for all lands, dues and funds, the property of the Province, taken for the said purpose, there shall be an equivalent in money or debentures concurrently distributed among the City or County Municipalities of Upper Canada" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, Church, Flint, Foley, Frazer, Hartman, Larwill, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McKerlie, Matheson, Mattice, Munro, Powell, Scatcherd, and Wilson.--(20.)

NAYS.

Messieurs Alleyn, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Crysler, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Fournier, Gill, Guévremont, Holton, Labelle, Laberge, Langton, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Marchildon, Masson, Mongenais, Morin, Angus Morrison, Niles, O'Farrell, Poulin, Pouliot, Prévost, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, Turcotte, and Valois.--(58.)

So it passed in the Negative.

(366)

And the Question being again proposed, That the Report be now received;

Mr. Dufresne moved in amendment to the Question, seconded by Mr. Guévremont, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an instruction to amend the 29th Clause, by inserting after the word 'Schedule' where it occurs the third time, the words 'but the said interest shall cease at the expiration of twelve years, to be computed from the date aforesaid'" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Taché moved in amendment to the Question, seconded by Mr. Darche, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that instead of giving the Seignior the right of reserving to himself a part of the waste lands as a domain, and as an indemnity for re-uniting to the domain of the Crown the remainder of the said lands, there be paid to each Seignior a specific sum on each superficial arpent of waste land, and that all the waste lands be re-united to the lands of the Crown" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Chapais, Darche, Dionne, Dostaler, Dufresne, Guévremont, Holton, Jobin, Laberge, Laporte, Marchildon, Papin, Taché, Thibaudeau, and Valois.--(17.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chauveau, Chisholm, Church, Crysler, Jean B. Daoust, Desaulniers, Antoine A. Dorion, Attorney General Drummond, Felton, Foley, Octave C. Fortier, Fournier, Hartman, Labelle, Langton, Larwill, Loranger, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, McKerlie, Masson, Matheson, Mongenais, Morin, Angus Morrison, Munro, Niles, Poulin, Pouliot, Smith, Prévost, Rankin, Roblin, Solicitor General Ross, Southwick, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Terrill, Turcotte, and Wilson.--(57.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Taché moved in amendment to the Question, seconded by Mr. Darche, That

all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that no Commissioner or Arbitrator be appointed for the valuation of the Seigniories, but that the specific amount of the Seigniorial Rights be apportioned in each superficial arpent of conceded land" instead thereof;

(367)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Chapais, Darche, Dionne, Dostaler, Dufresne, Guévremont, Holton, Jobin, Laberge, Laporte, Mackenzie, Marchildon, Papin, Taché, Thibaudeau, and Valois.--(18.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chauveau, Chisholm, Church, Crysler, Jean B. Daoust, Desaulniers, Antoine A. Dorion, Attorney General Drummond, Felton, Foley, Octave C. Fortier, Fournier, Hartman, Labelle, Langton, Larwill, Loranger, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, McKerlie, Masson, Matheson, Mongenais, Morin, Angus Morrison, Munro, Niles, Poulin, Polette, Powell, Prévost, Rankin, Roblin, Solicitor General Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Terrill, Turcotte, and Wilson.--(56.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Taché moved in amendment to the Question, seconded by Mr. Darche, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the same, by providing that the present rent up to the amount of two sols per arpent, as provided by the Bill, together with an additional rent of two sols per arpent for Lods et Ventés, be paid to the Seigniors by the Censitaires, concurrently with the sum of two sols to be paid by the Province, the whole during a period of twenty-five years, as a full indemnity to all intents and purposes for the complete abolition of the Seigniorial Tenure" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Chapais, Jean B. Daoust, Darche, Desaulniers, Dionne, Jobin, Marchildon, Masson, Mongenais, Papin, Pouliot, Taché, Thibaudeau, and Valois.--(16.)

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NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chauveau, Chisholm, Church, Crysler, Antoine A. Dorion, Attorney General Drummond, Felton, Flint, Foley, Octave C. Fortier, Fournier, Frazer, Gill, Guévremont, Hartman, Holton, Labelle, Langton, Laporte, Larwill, Loranger, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, McKerlie, Matheson, Mattice, Morin, Munro, Niles, Poulin, Powell, Prévost, Roblin, Solicitor General Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Turcotte, and Wilson.--(54.)

So it passed in the Negative.

(368)

And the Question being again proposed, That the Report be now received;

DR. MASSON propose en amendement, que le bill soit renvoyé au comité de toute la chambre aux fins de l'amender en ajoutant le proviso suivant à la fin de la 52e clause: "Pourvu toujours que les dispositions de cette section ne seront applicables et n'auront rapport qu'aux seigneurs qui auront acquis leurs seigneuries d'autres parties par voie d'achat, et non aux seigneurs qui peuvent avoir acquis des seigneuries par voie d'héritage et non par voie d'achat, et qui eux-mêmes ou leurs ancêtres ont imposé des droits ou redevances, des restrictions ou réserves plus élevées que celles qui sont définies et admises par le présent acte."

Pour soutenir sa proposition M. Masson dit que c'est une chose des plus injustes que ceux qui ont volé pendant un grand nombre d'années soient payés parce qu'on ne leur permet plus de continuer leurs vols. Au lieu de les indemniser, on devrait plutôt leur faire rembourser ce qu'ils ont déjà reçu illégalement.¹²⁶

MR. AT. GEN. DRUMMOND dit que le membre pour Soulanges ne peut pas comprendre le bill, autrement il n'aurait assurément pas proposé un tel amendement. Le bill laisse la décision de la question de droit aux tribunaux judiciaires, et il est clair que la règle générale ne peut souffrir aucune exception. Si les cours décident que les seigneurs avaient droit d'exiger ce qu'on appelle des exactions, comment priver aucun d'eux de l'indemnité qui lui sera due? D'un autre côté, si les tribunaux décident que les exactions sont illégales, il n'y aura aucun besoin de cette exception, parce que personne ne recevra d'indemnité pour ces réclamations. D'ailleurs dans le bill tel qu'il a passé à la troisième lecture, il y a une clause qui abolit des droits que personne n'a jamais contestés; il faut au moins que les seigneurs soient indemnisés pour leur perte, mais l'amendement anéantirait tout droit à une indemnité, même pour ces cas.¹²⁷

MR. PAPIN appuie la proposition. Les premières clauses du bill constatent très distinctement que les rentes excessives sont des exactions, des usurpations. Pourquoi donc rembourser ces exactions à ceux qui l'ont fait avec connaissance de cause? Il lui semble extraordinaire de dire à un homme, "vous avez pillé pendant tant d'années qu'aujourd'hui nous ne vous empêcherons de continuer le pillage qu'en vous indemnisant pour vos pertes."¹²⁸

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Mr. Masson moved in amendment to the Question, seconded by Mr. Desaulniers, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of adding the following Proviso at the end of the 52nd Clause: Provided always, that the provisions of this Clause shall only be applicable and shall apply only to Seigniors who shall have acquired their Seigniories from other parties by purchase, and not to Seigniors who shall have acquired Seigniories by inheritance and not by purchase, and who themselves or whose ancestors have imposed higher dues or charges, restrictions or reservations, other than those defined and admitted by this Act" instead thereof;

And the question being put on the Amendment; the House Voted: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Chapais, Darche, Desaulniers, Dostaler, Dufresne, Foley, Fraser, Guépremont, Hartman, John, Labelle, Lamelli, John G. Macdonald, McKennic, McKenlie, Masson, Monroie, Papin, Pralier, Prévoet, Treblé, Thibaudeau, and Turcotte.--(25.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Cartier, Casault, Cauchon, Cayley, Chapman, Chisholm, Church, Crysler, Jean B. Daoust, Antoine A. Dorion, Attorney General Drummond, Felton, Gill, Langton, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Matheson, Mattice, Morin, Angus Morrison, Niles, Papin, Poulin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, and Torrill.--(48.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Wilson moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, so to amend the Bill, that the rents now lawfully payable by such Censitaires as acquired their lands by purchase under existing rents, shall not be paid out of the Provincial Funds of this Province, but shall be paid by such Censitaires on commuting with their Seigniors" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Aikins, Bell, Brown, Flint, Foley, Frazer, Hartman, Langton, Larwill, John S. Macdonald, Markensie, McKerlie, Marchildon, Mattice, Munro, Scatcherd, and Wilson.--(17.)

NAYS.

Messieurs Alleyn, Bellingham, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Church, Crysler, Jean B. Daoust, Darche, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Octave C. Fortier, Fournier, Gill, Guévrement, Jobin, Labelle, Laberge, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Masson, Matheson, Mongenais, Morin, Angus Morrison, Niles, Papin, Poulin, Pouliot, Powell, Prévost, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Thibault, Turcotte, and Valois.--(57.)

So it passed in the Negative.

Mr. McKerlie moved, seconded by Mr. Frazer, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Laberge, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an instruction to amend the same, so to leave out every thing that relates to the appointment of Commissioners, and to provide that the portion of the Indemnity to be paid by the Censitaires to the Seigniors, be determined by Experts, and that the portion of the Indemnity to be paid by the Government, be determined by the Courts of Justice" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bourassa, Brown, Bureau, Casault, Darche, Antoine A. Dorion, Dostaler, Flint, Foley, Octave C. Fortier, Frazer, Guévrement, Hartman,

Holton, Jobin, Laberge, Larwill, John S. Macdonald, Mackenzie, McKerlie, Marchildon, Mattice, Munro, Papin, Pouliot, Prévost, Scatcherd, Thibaudeau, Valois, and Wilson.--(32.)

(369-370)

NAYS.

Messieurs Alleyn, Bellingham, Brodeur, Cartier, Cauchon, Cayley, Chauveau, Chisholm, Church, Crysler, Jean B. Daoust, Desaulniers, Sioux, Attorney General Drummond, Fournier, Gill, Labelle, Langton, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Masson, Matheson, Mengonitz, Morin, Angus Morrison, Niles, Poulin, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Terrill, and Turcotte.--(41.)

So it passed in the Negative.

(370)

And the Question being again proposed, That the Report be now received;

Mr. Jobin moved in amendment to the Question, seconded by Mr. Valois, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of reconsidering the same, and amending it so as to read as followeth: that the sum of two sols for Cens et Rentes, and the Lods et Ventes calculated on the average revenue of ten years, be declared to be the real value of the Seigniorial Rights in the Seigniories of Lower Canada, and to be payable to the Seigniors as sole Indemnity, and to effect the complete abolition of all Seigniorial Rights in Lower Canada, the Government paying to the Seigniors, as an aid to the Censitaires, Four hundred thousand pounds Currency, out of the Consolidated Funds of the Province, on the rent-roll (aveu et dénombrement) being legally made and produced; and Censitaires paying the surplus in ten equal and annual payments, until final payment, without interest; the whole to be determined by Arbitrators to be chosen by the parties interested, and without the appointment of Commissioners by the Government" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Darche, Dufresne, Guévremont, Jobin, Marchildon, Papin, Taché, and Valois.--(10.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Crysler, Jean B. Daoust, Desaulniers, Antoine A. Dorion, Dostaler, Attorney General Drummond, Flint, Foley, Octave C. Fortier, Fournier, Frazer, Gill, Hartman, Labelle, Laberge, Langton, Laporte, Loranger, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, McKerlie, Masson, Matheson, Mattice, Morin, Angus Morrison, Munro, Niles, Pouliot, Prévost, Roblin, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Thibaudeau, Turcotte, and Wilson.--(59.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Laberge moved in amendment to the Question, seconded by Mr. Bureau, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole

House, for the purpose of amending the same, by limiting the number and the salaries of the Commissioners for whose appointment the said Bill provide" instead thereof;

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Bureau, Darche, Antoine A. Dorion, Dostaler, Dufresne, Flint, Foley, Frazer, Gauthier, Holton, Jobin, Laberge, John S. Macdonald, Mackenzie, McKerlie, Marchildon, Munro, Papin, Prévost, Scatcherd, Valois, and Wilson.--(24.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Crysler, Jean B. Daoust, Desaulniers, Attorney General Drummond, Fournier, Gill, Hartman, Labelle, Langton, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Masson, Mongenais, Morin, Angus Morrison, Niles, Poulin, Pouliot, Rankin, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, and Turcotte.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Laberge moved in amendment to the Question, seconded by Mr. Bureau, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of amending the same, so as to reduce the Cens et Rentes to two sols per arpent for Lots known under the name of Emplacements as for other lands, excepting those in the Towns of Montreal, Three Rivers, and Quebec" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Bureau, Chapais, Darche, Antoine A. Dorion, Dufresne, Flint, Foley, Frazer, Gauthier, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Mackenzie, Marchildon, Munro, Mattice, Munro, Papin, Prévost, Scatcherd, Taché, Thibaudeau, and Valois.--(27.)

(371-372)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Octave C. Fortier, Fournier, Gill, Labelle, Langton, Laporte, Loranger, Lyon, Macbeth, Attorney General Macdonald, Mongenais, Morin, Angus Morrison, Niles, Poulin, Pouliot, Powell, Rankin, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Terrill, and Turcotte.--(46.)

So it passed in the Negative.

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And the Question being again proposed, That the Report be now received;

Mr. Laberge moved in amendment to the Question, seconded by Mr. Bureau, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole

House, for the purpose of amending the 29th Clause, so that the interest be not paid by the Censitaires on the capital of the casual rights as therein provided" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Jean B. Daoust, Darche, Desaulniers, Antoine A. Dorion, Dufresne, Fournier, Gacuremont, Jobin, Labelle, Laberge, Laporte, Marchildon, Papin, Pouliot, Prévost, Thibaudeau, and Valois.--(19.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Dionne, Dostaler, Attorney General Drummond, Flint, Foley, Octave C. Fortier, Gill, Hartman, Holton, Loranger, Lyon, John S. Macdonald, Attorney General Macdonald, Mackenzie, Masson, Matheson, Mattice, Morin, Angus Morrison, Muir, Niles, Roblin, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Terrill, and Turcotte.--(40.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Thibaudeau moved in amendment to the Question, seconded by Mr. Pouliot, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the 29th Clause, so as to limit to ten years the interest therein mentioned" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Jean B. Daoust, Darche, Desaulniers, Antoine A. Dorion, Dufresne, Fournier, Gacuremont, Jobin, Labelle, Laberge, Laporte, Marchildon, Masson, Papin, Pouliot, Prévost, Thibaudeau, and Valois.--(20.)

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NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Chisholm, Church, Dionne, Dostaler, Attorney General Drummond, Flint, Foley, Octave C. Fortier, Gill, Hartman, Holton, Loranger, Lyon, John S. Macdonald, Attorney General Macdonald, Mackenzie, Matheson, Mattice, Morin, Angus Morrison, Muir, Niles, Roblin, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Taché, Terrill, and Turcotte.--(49.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Pouliot moved in amendment to the Question, seconded by Mr. Thibaudeau, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of amending the 29th Clause, so as to limit the interest therein mentioned payable by the Censitaires, to ten years; and that the interest which shall accrue after the said ten years, be paid from and out of the Consolidated Revenue Fund of this Province" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bureau, Chapais, Darche, Desaulniers, Dionne, Dostaler, Dufresne, Fournier, Guéremont, Labelle, Laberge, Laporte, Marchildon, Misson, Papin, Pouliot, Taché, Thibaudeau, and Turcotte.--(19.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chauveau, Chisholm, Church, Antoine A. Dorion, Attorney General Drummond, Flint, Foley, Gill, Hartman, Holton, Lorringer, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, Matheson, Mattice, Morin, Angus Morrison, Munro, Niles, Poulin, Powell, Rankin, Roblin, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, and Terrill.--(45.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Papin moved in amendment to the Question, seconded by Mr. Valois, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an instruction to amend the same, so as to enact that the Censitaire shall pay to the Seignior that part of the Indemnity with which he is charged under the

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provisions of the said Bill, within the twenty-five years next ensuing after the passing thereof, in twenty-five equal and yearly payments" instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Bureau, Casault, Chapais, Darche, Antoine A. Dorion, Dufresne, Foley, Frazer, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Marchildon, Mattice, Papin, Prévost, Taché, and Valois.--(21.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Cauchon, Chauveau, Chisholm, Church, Cartier, Jean E. Casault, Desaulniers, Dionne, Attorney General Drummond, Flint, Octave C. Fortier, Fournier, Gill, Labelle, Laporte, Lorringer, Lyon, Macbeth, Attorney General Macdonald, Masson, Matheson, Mongenais, Morin, Angus Morrison, Munro, Niles, Poulin, Pouliot, Powell, Rankin, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Terrill, Thibaudeau, and Turcotte.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Turcotte moved in amendment to the Question, seconded by Mr. Desaulniers, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to amend the 29th Clause, so as to limit the interest therein mentioned to one-twelfth of the amount of the capital therein mentioned, instead of allowing such interest to accumulate during an indefinite time, and to an indefinite amount" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bureau, Chapais, Desaulniers, Dionne, Dufresne, Labelle, Laberge, Marchildon, Mongenais, Pouliot, Taché, Thibaudeau, and Turcotte.--(14.)

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NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Brodeur, Brown, Casault, Cauchon, Cayley, Chisholm, Church, Crysler, Jean B. Daoust, Antoine A. Dorion, Attorney General Drummond, Foley, Octave C. Fortier, Fournier, Frazer, Gill, Hartman, Holton, Loranger, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Mackenzie, Masson, Matheson, Mitche, Martin, Angus McMillan, Shannon, Niles, Poulin, Powell, Roblin, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, and Terrill.--(47.)

So it passed in the Negative.

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Then the main Question being put;

Ordered, That the Report be now received.

Mr. Terrill reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Then, on motion of Mr. Mackenzie, seconded by Mr. Masson,
The House adjourned. 129

FOOTNOTES: 21 NOVEMBER 1854.

1. MORNING CHRONICLE, 24 November 1854.
2. GLOBE, 2 December 1854 (in Scrapbook Hansard).
3. MORNING CHRONICLE, 24 November 1854.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. LE PAYS, 30 November 1854.
9. MORNING CHRONICLE, 24 November 1854.
10. LE PAYS, 28 November 1854.
11. GLOBE, 2 December 1854 (in Scrapbook Hansard).
12. MORNING CHRONICLE, 24 November 1854.
13. GLOBE, 2 December 1854 (in Scrapbook Hansard).
14. MORNING CHRONICLE, 24 November 1854.
15. GLOBE, 2 December 1854 (in Scrapbook Hansard).
16. MORNING CHRONICLE, 24 November 1854.
17. GLOBE, 2 December 1854 (in Scrapbook Hansard).
18. MORNING CHRONICLE, 24 November 1854.
19. GLOBE, 2 December 1854 (in Scrapbook Hansard).
20. MORNING CHRONICLE, 24 November 1854.
21. GLOBE, 2 December 1854 (in Scrapbook Hansard).
22. MORNING CHRONICLE, 24 November 1854.
23. GLOBE, 2 December 1854 (in Scrapbook Hansard).
24. MORNING CHRONICLE, 24 November 1854.
25. GLOBE, 2 December 1854 (in Scrapbook Hansard).
26. MORNING CHRONICLE, 24 November 1854.
27. GLOBE, 2 December 1854 (in Scrapbook Hansard).
28. LE PAYS, 28 November 1854.
29. MORNING CHRONICLE, 24 November 1854.
30. GLOBE, 2 December 1854 (in Scrapbook Hansard).
31. MORNING CHRONICLE, 24 November 1854.
32. GLOBE, 2 December 1854 (in Scrapbook Hansard).
33. IBID.
34. MORNING CHRONICLE, 24 November 1854.
35. GLOBE, 2 December 1854 (in Scrapbook Hansard).
36. MORNING CHRONICLE, 24 November 1854.
37. GLOBE, 2 December 1854 (in Scrapbook Hansard).
38. MORNING CHRONICLE, 24 November 1854.
39. GLOBE, 2 December 1854 (in Scrapbook Hansard).
40. MORNING CHRONICLE, 24 November 1854.
41. GLOBE, 2 December 1854 (in Scrapbook Hansard).
42. MORNING CHRONICLE, 24 November 1854.
43. GLOBE, 2 December 1854 (in Scrapbook Hansard).
44. MORNING CHRONICLE, 24 November 1854.
45. GLOBE, 2 December 1854 (in Scrapbook Hansard).
46. MORNING CHRONICLE, 24 November 1854.
47. IBID.
48. LE PAYS, 28 November 1854.
49. IBID.
50. MORNING CHRONICLE, 24 November 1854.
51. LE PAYS, 28 November 1854.

52. MORNING CHRONICLE, 24 November 1854.
53. GLOBE, 2 December 1854 (in Scrapbook Hansard).
54. LE PAYS, 28 November 1854.
55. MORNING CHRONICLE, 24 November 1854.
56. GLOBE, 2 December 1854 (in Scrapbook Hansard).
57. MORNING CHRONICLE, 24 November 1854.
58. GLOBE, 2 December 1854 (in Scrapbook Hansard).
59. LE PAYS, 28 November 1854.
60. GLOBE, 2 December 1854 (in Scrapbook Hansard).
61. MORNING CHRONICLE, 24 November 1854.
62. IBID.
63. TORONTO LEADER, 5 December 1854.
64. GLOBE, 2 December 1854 (in Scrapbook Hansard).
65. IBID.
66. LE PAYS, 28 November 1854, which indicates that the House was already in the Committee of the Whole.
67. LE PAYS, 28 November 1854.
68. GLOBE, 2 December 1854 (in Scrapbook Hansard).
69. LE PAYS, 28 November 1854.
70. GLOBE, 2 December 1854 (in Scrapbook Hansard).
71. LE PAYS, 28 November 1854.
72. GLOBE, 2 December 1854 (in Scrapbook Hansard).
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. LE PAYS, 28 November 1854.
78. GLOBE, 2 December 1854 (in Scrapbook Hansard).
79. IBID.
80. IBID.
81. IBID.
82. LE PAYS, 28 November 1854.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. GLOBE, 2 December 1854 (in Scrapbook Hansard).
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.

104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. GLOBE, 2 December 1854 (in Scrapbook Hansard), reports: "at 10 minutes past 11, the Committee rose and reported the Bill as amended."
111. GLOBE, 2 December 1854 (in Scrapbook Hansard).
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. LE PAYS, 28 November 1854.
124. IBID.
125. GLOBE, 2 December 1854 (in Scrapbook Hansard).
126. LE PAYS, 30 November 1854.
127. IBID.
128. IBID.
129. GLOBE, 2 December 1854 (in Scrapbook Hansard), states: "The House then adjourned at 2 A.M."

WEDNESDAY, 22 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Southwick,--The Petition of the Municipal Council of the County of Elgin.

By Mr. Niles,--The Petition of Ira Schofield, of the Township of London.

By Mr. Holton,--The Petition of Messieurs Dillapic, Moffatt and Company, and others, Merchants, Bankers, Traders, and others, of the City of Montreal.

By Mr. Laberge,--The Petition of Roger Belvin and others, of the Township of Settrington, County of Saguenay; the Petition of Thomas Simard and others, of the Parishes of Malbaie, Ste. Agnès, Ste. Fidèle, St. Irenée, and of the Townships of Sales and Cullivert, County of Saguenay; and the Petition of Joseph Perron and others, of St. Louis de L'Isle aux Coudres, County of Saguenay.

Pursuant to the Order of the day, the following Petitions were read:--

Of Edward Turner and others, Turnkeys, and others connected with the Common Gaol and House of Correction for the District of Quebec; praying for the increase of their salaries.

Of the Reverend Charles P. Reid, Incumbent of St. Peter's Church in Sherbrooke, District of St. Francis; praying that the stipend pledged to him in the Gift of the Crown out of the Clergy Reserve Fund, may still be continued to him.

Of David Campbell and others, of the Township of Ramsay; praying for the passing of a Prohibitory Liquor Law.

Of the Town Council of Brookville; praying that the Municipal Corporations and Assessments Acts may be so amended as to relieve Towns from the liability to taxation by the County Councils, and also from the necessity of sending Reeves or Deputy Reeves to the said Councils.

Of the Montreal and Bytown Railway Company; praying that the Petition of the Vaudreuil Railway Company for certain amendments to their Act of Incorporation may not be granted.

Of John Meikle and others, of the County of Argenteuil; praying for aid to build a Bridge across the North River, and to repair the Road leading to Wentworth.

Of James Watts, Mayor, and others, of the County of Two Mountains, and others; praying that the Bill to amend the Act incorporating the Montreal and Bytown Railway Company and for other purposes, may not pass into Law.

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Of Jacob Schlagerl and others, of the County of Argenteuil; praying for certain amendments to the Bill to constitute the Electoral County of Argenteuil into a separate Municipality.

Of Norbert Simard and others, of the Parish of Baie St. Paul, and others; and of the Municipal Council of the County of Saguenay; praying for the establishment of two County Seats in the County of Saguenay, to be used alternately for Municipal, Judicial, and Electoral purposes, to provide for the inconvenience arising from the great extent of the said County.

Of C.P. Huot, Esquire, and others, of the Parishes of Baie St. Paul and St. Urbain, County of Saguenay; praying aid for the construction of a Wharf at the terminus of the Upper Saguenay Road at the River St. Lawrence.

Of John Nairne, Esquire, and others, of La Malbaie and other Parishes, County of Saguenay; praying aid for the construction of a Bridge over Murray River, at the Village of Malbaie.

Of C.P. Huot, Esquire, and others, of the Parish of Baie St. Paul, County of Saguenay; praying for aid to construct a Bridge over the River du Gouffre in the said Parish.

Of Adolphe Coté and others, of the Parishes of St. Urbain and Baie St. Paul, County of Saguenay; praying for aid to open and complete the Road from St. Urbain to Baie des Ha! Ha!

Of John McLaren and others, inhabitants and squatters of Ste. Catherine, Rivière aux Canards, and other places, County of Saguenay; praying for aid to open a Road from the River Saguenay to the western shore of the River Noire.

Of Angélique Billon, widow of the late J.M.K. Gregory, of the City of Montreal; praying for a pension, in consideration of her age, infirmity, and poverty.

Of Louis Bonbardier and others, of the Parish of St. Bruno, County of Chambly; praying aid for the construction of a Bridge over Macé Creek in the said Parish.

Of Michael Brennan and others, Catholics, of the Diocese of Kingston; praying for the establishment of Separate Schools in Upper Canada, and that they may share in the proceeds of the Clergy Reserves.

Ordered, That the Petition of James Watts, Mayor, and others, of the County of Two Mountains, and others, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the said Petition be printed for the use of the Members of this House.

The Honorable Mr. Young reported from the Select Committee on the Bill to regulate the inspection of Pot and Pearl Ashes in Montreal, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

Resolved, That a Message be sent to the Honorable the Legislative Council, to request that their Honors will give leave to the Honorable Etienne Paschal Taché, a Member of their House, to attend before the Select Committee of this House to which are referred the Petitions complaining of an undue Election and Return for the City of Quebec, to be examined before the said Committee.

Ordered, That Mr. Fergusson do carry the said Message to the Legislative Council.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Young, Resolved, That an humble Address be presented to His Excellency the Governor

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General, praying that His Excellency will direct the proper Officer to lay before this House, copies of all the Correspondence between the Provincial Secretary and the Board of Trade of Montreal, the Mayor or Corporation of the said City, and the Harbour Commissioners of Montreal, within the last two years, on the subject of the constitution of a Corporation or Company for the management of the said Harbour.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Orders of the day be now read.

And the Order of the day for the House in Committee on the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock, being read;

MR. MERRITT said, he desired to call the attention of the committee to the principles to be observed in passing through the bill. These principles were not adopted when the bill was last before the House, and on that occasion the honorable member for Renfrew took occasion to propound what he called three propositions. First, that the Free Banking system had not thriven in this country, but had proved a failure. That it was all important for this country to draw in European capital, and that inasmuch as Banks with a small capital and the Free Banking system had failed, that Chartered Banks were those alone that could draw into this country English Capital. These propositions, he (Mr. Merritt) would contend were unsound and untenable. The Free Banking system had never had a fair chance. It was a part of the policy of the government of 1849, but in 1852 the Chartered Banks were given increased advantages, denied to other banks. They had the power of creating other banks and agencies throughout the country and enjoyed a perfect monopoly. They had the power of obtaining brokerage in addition to the regular discount on notes, making it a very profitable business for them. How was it to be expected that when the Chartered Banks could create branch banks throughout the country, that other general banking Institutions could cope with them? In the State of New York in 1846 they formed a financial system, of which Free Banking formed a prominent part in the constitution then remodelled, by which monopolies were in future prevented [from] taking place. Another part of that system was that they created a sinking fund. In 1849 the same system was adopted in Canada, [and] under the 5th clause of the Custom Act, it was guaranteed that the Sinking Fund should be created to pay off the public debt. The government pledged themselves to create no further debt. In the State of New York the Free system of banking had created 228 banks, with a capital of \$64,000,000. In Canada, under a similar act, three banks had been created with a capital of about a million of dollars, or a little less. Now why was it, that under one system such successful results should be obtained and not under the other? It was very easy to answer. The one system had stability in it: was created under a fixed constitution, and capitalists had confidence in it, while that system existing in Canada, had no stability whatever.¹ The reason was that we had not adopted that system to the exclusion of every other; but when it had operated so well in the State of New York it ought to be exclusively adopted here.² Ever since the time of the Union, almost every system of finance attempted in Canada, continued only for one year³ before it was succeeded by some other. Everything had had to give way to an ever-changing expediency, since the day they had received what was called Responsible government.⁴ Why should Canada not adopt the system of Banking carried on in the State of New York, with such advantageous results? Were honorable members in that House legislating for the benefit of banks or the public. He would admit that the course the government had taken in relation to the Chartered banks had raised their stock to a high premium.⁵ It was said that we must get our banking capital from England, but the fact was, that except in the Bank of British North America, there was not £500,000 of banking capital from England in this country.⁶ Canada must look to other sources for its Banking Capital, than England; and when it was (*sic*) found that in New York all the private capital in the country is drawn out, the system there prevailing ought to be taken up in Canada.⁷ The banking system of New York aided the credit of that State, the public security being at the foundation of it, and the consequence was that their debentures sold⁸ at auction⁹ at 17 per cent premium¹⁰, while Canadian debentures were at par.¹¹ If the same system were adopted in Canada, a similar result would follow, instead of our debentures selling merely at par. Our debentures would go up in the market, our public improvements would be rapidly

proceeded with, and every part of the country would prosper alike.¹² Why should not our debentures be as high as theirs? If any honorable gentleman could shew him that the system on the other side had not worked well, he would be glad. But he was not opposed to the increase of Banking Capital. We required more capital, but in creating it, all the banks ought to be put upon the same footing, and let them have what capital they pleased if they took the debentures of the province. Then would our debentures go up to a premium and our public improvements advance, and the country prosper, but he saw no such result by the system now followed out.¹³ He thought five years too long a time to allow for the payment of the capital and therefore moved an amendment in the third clause limiting it to three years.¹⁴

The amendment was lost.¹⁵

MR. INSP. GEN. CAYLEY said that, in the course which the Government had adopted with regard to the Banks, in consenting to an extension of their charters without making it a condition that that extension should be based upon the free banking system, it was not intended in any way to cast a reflection upon the free banking system, or to draw any unfavourable comparison between the free banks and the old chartered banks.¹⁶ Il croit aussi que le membre pour Lincoln n'a pas compris ce qu'a dit le membre pour Renfrew sur le même sujet.¹⁷ His hon. friend, the member for Renfrew, had been entirely misapprehended in what he had said on the subject on a previous evening. The hon. member had stated that the free banking system had failed to induce the influx of capital from the old country, and that he was of opinion, an opinion in which he (Mr. Cayley) fully concurred, that the old chartered Banks promised to be more fortunate in that respect. This remark had been misconstrued into a reflection against the credit of the free banks, but it was very evident that, had the English capitalist chosen to avail himself of the opportunity of investing his money in free banks, that opportunity had not been wanting for the last¹⁸ trois ans,¹⁹ and the fair inference was that, as a means of inviting capital into the country, the free banking system had failed. On the other hand the hon. member for Lincoln had endeavored to show that, as the notes payable on demand issued by the free banks were secured by the deposit of Government securities with the Receiver General, these banks offered a much better security to the public, than the old chartered banks, and that all that was requisite was to put them on the same footing. But the hon. member had totally overlooked the fact that banking transactions were not confined to the issue of notes, but embraced dealings in bullion, bills of exchange, drafts, bills receivable and so forth, and that while the holders of Bank notes in circulation were secured by the deposit of Government securities, heavy losses might take place, bringing ruin to many having transactions with a Bank misconducting its affairs. Some hon. members seemed to be of opinion that the Banks, in making application for the extension of their charters, were seeking merely the means of issuing more notes, and concluded that they might obtain those means by engrafting on the old stock the free banking system, but they were much mistaken. Few of the banks had reached their limit of issue, and what they sought for was additional Capital to work with, which would not be obtained by compelling them to invest the whole of their additional capital in public securities. He thought that the restriction imposed by the Government, that of holding one tenth, which might be called the Reserve Fund of the Bank in Government or rather Municipal securities, was quite a sufficient restriction. As the hon. member for Lincoln had challenged contradiction to this assertion that not an instance was to be found of failure in the free banking system of the United States, he would venture to read

an extract from an American paper of the 10th November instant, describing the condition of the free banks of Indians. The letter was dated from Indianapolis, and addressed to John Thompson²⁰, rédacteur du Bank Note Reporter de New York,²¹ of Wall street, New York²². The following was an extract-- "I regret to have to state that nearly the whole of the Free Banks of this State have suspended specie payment, and many of the accessible ones have already protested. Of the owners of the free banks I regret to say that some disown any connection with banks that are currently reported to belong to them, and as some of those banks are inaccessible and others have only a nominal place of business, it becomes almost impossible to protest them. Of the State Stock Bank of Logansport, I could find no office, no owner, nor any body that knew anything about it." Of these banks situated in the remote swampy districts of the State, such as the Bank of America at Morocco, and the Wabash River Bank at Jasper, I am not yet able to say anything, nobody to my knowledge having yet penetrated to them. Of the Delaware County Bank said to be at Munote,²³ [OR] Munster,²⁴ I can discover neither office nor owner. Banks of this class are numerous as are also those like Wayne Bank which we were recommended to a sawmill to find, and the Newport Banks, three of which are in the County Clerk's office." After the extracts which he had just read, he thought it would be admitted that the free banks, of the United States, at least, had not established for themselves a reputation wholly free from suspicion.²⁵ The honorable member for Lincoln had made another objection to the condition on which the Chartered Banks were allowed to issue notes, namely, that it was not compulsory on the Banks to redeem their paper at all their agencies. The effect of such a condition would be that the Banks, not knowing where the pressure or the demand might be made upon them, would be compelled to provide a much larger supply of specie, or other means of redemption at each agency, than is now required; more than was at all requisite to ensure the efficiency of banking transactions, and would lead to serious embarrassment.²⁶

La première clause est alors lue.²⁷

MR. HOLTON wished to know whether the Inspector General intended to insist on the application of the rule to this Bank which he had laid down for others. At the time of the second reading of the Bill, this bank was considered an exceptional case, and he hoped that it would still be allowed to be so considered. He had no objection to the application of the rule to the other banks.²⁸

MR. AT. GEN. J.A. MACDONALD thought if the rule was a good one, it ought to be generally applied. He did not see why it should be relaxed in this case. It was true that the original capital of this bank was as great as it was now proposed to make it. The decrease of capital had previously been voluntarily made by the Bank, and this increase must be considered an addition of new capital. He thought there was no reason why a special exception should be made in this case.²⁹

MR. MERRITT said the Inspector General had not touched the reason he had assigned why the free banking system had failed in Canada, namely, that they had given the other banks greater advantages, and placed them on a better footing than the free banks.³⁰ It was very easy to say, that the free banking system had failed when other banks had received greater advantages.³¹ Had they pursued the same³² free banking system ... exclusively³³, as was adopted on the other side of the line, they would have had ten times the banking capital in the country which they had now.³⁴ The honorable Inspector General had not met this statement because it was unanswerable³⁵. It was no argument for the

Inspector General to go³⁶ off to the Wabash or³⁷ to the barbarous countries in the west, where banks were established in sawmills and in the middle of swamps, and say that the system had proved a failure there.³⁸

MR. HINCKS said that the hon. member for Lincoln had entirely failed to make out his case.³⁹ The honorable member for Lincoln had a strange delusion about the advantages which the chartered banks possessed over the free banks. The former had to pay a tax of one per cent on their issues, from which the others were exempted. The chartered banks were obliged to keep a certain proportion of gold and silver, while the free banks were at liberty to issue just as much paper as they pleased, by depositing security with the Receiver General. He believed the advantages to be in favor of free banks. He thought that under our present system the bill holders were fully secured, and that it was not the business of the Legislature to look to any other parties. He was surprised to hear the honorable member for Lincoln say that there was no danger in the free banking system. It was true, that it secured the bill holders, but there was another large class of persons entirely overlooked, namely, the depositors. In the States they did not depend upon foreign capital as we did for banking purposes, which was an important difference between this and that country. He had no feeling against the free banking system, but desired it to have a fair trial⁴⁰, but he could not shut his eyes to the fact that it had proved a failure in this country. The case was very different in New York where they were very little dependent on foreign capital.⁴¹ He was satisfied that while we wanted foreign capital for banking purposes, it would be bad policy to insist on all the banks being carried on under that system.⁴²

MR. MERRITT said the great difference between the advantages enjoyed by the chartered and the free banks was, that while the free banks could issue only as much paper as they had capital paid up, the former had no such limit imposed upon them.⁴³

MR. MACKENZIE spoke at length in favor of the free banking system in preference to that now in existence in this country.⁴⁴

MR. HOLTON wished to add a proviso to the amendment of the Inspector General, that if the bank do[es] not increase its capital within one year, it shall not be obliged to invest one tenth of its capital in public securities, and also extending the time of its charter till 1870.⁴⁵

MR. TERRILL objected to this proviso on the ground that it would extend the charter of the bank without compelling it to act upon the rule which is hereafter to be applicable to all other banks, compelling them to invest one tenth of their capital in public securities.⁴⁶ The proviso would be good enough so far as the taking of new stock was concerned, but he did not for a moment suppose that the existing charters of banks could be interfered with. It might be well to consider whether a restriction should be imposed of this character upon banks now applying for charters, and not to others. If this proviso be added, the time of the charter should be restricted.⁴⁷

MR. HOLTON had no desire to obtain any advantages for this bank by a side wind; and he was ready to adopt the restriction suggested--to make the extension of the charter as well as the capital dependent on their availing (sic) themselves of the benefit of the extension within a year.⁴⁸

MR. AT. GEN. J.A. MACDONALD thought that either the present system or that of the free banks ought after a few years [to] exclusively prevail in order that some general system might be laid down for all banks. The chartered banks

with their numerous agencies had advantages over the free banks in being able for instance to issue notes at the Kingston agency payable at the Montreal agency, and also in the circumstance that when notes payable at one agency were presented to another agency, they charged a quarter per cent for receiving them.⁴⁹

MR. HOLTON then moved the Proviso previously referred to.⁵⁰

MR. MACKENZIE objected to the extension of the Bank Charters. It would be several years before they would legally expire, and Parliament ought not to deprive itself of the power of altering the system, if it were found to work badly. No notice of the application for the extension of the Charters, had been made by any of the Banks, and if the motion were persisted in, he must move that the Chairman leave the Chair.⁵¹

MR. FOLEY the Chairman said he could not leave the chair unless the majority of the Committee so directed; and put the question whether he should leave the chair, which was negatived.⁵²

The motion was then carried.⁵³

MR. DEWITT spoke in favour of the system of which the Bill now under discussion was a part, believing that the prosperity, and of all classes of its population depended very much on facilities being given for the introduction of foreign capital.⁵⁴ [He] contrasted the state of things previous to the establishment of banks with those of the present day. When there were no banks, the capitalist used to buy the produce of the country for just what he liked, because there was no compe[ti]tion among purchasers. But when banks were established the young man who had no capital got his friend who was responsible, to endorse for him, and he then purchased goods with the money. This young man whom every body knew to be destitute of money, was by this means enabled to carry on business, creating competition among buyers, and giving to the manufacturer of goods far more for his production than he would otherwise get, it was the same with other kinds of produce. If a bank with a million of capital could make five millions, the public would lose nothing by it. There was no danger that would arise to the public in taking any of these bills. It has been said, that the suspension of specie payments in 1837 was the fault of the Banks; he did not think so. The difficulty arose from over importation. Considering the increase of population and produce, it was surprising that the present pressure had not been greater. There was a great necessity for the increase of Bank Capital. He thought it would be better not to extend the time of the Charter to more than eight or ten years.⁵⁵

MR. MERRITT moved an amendment "that the bank be obliged to take at all its agencies, the notes which it had issued; no matter whether they were payable at the agency at which they were produced or at some other agency.⁵⁶ Il dit qu'il n'est pas juste que les autres banques soient tenues de payer leurs billets en espèces pendant que les banques à charte peuvent refuser de le faire. Il ne demande pas que la banque de la Cité soit tenue de payer en espèce[s] à Toronto un billet payable à Montréal; mais si on doit quelque chose à la banque payable à Toronto il demande que le débiteur ait la faculté de payer cette dette avec les billets de la même banque n'importe où ces billets sont payables.⁵⁷

MR. HINCKS.--C'est la même chose.⁵⁸

MR. DEWITT said the banks in the Western States found it their interest to receive at par, at all their agencies, the notes they had issued at any of them.⁵⁹

MR. HOLTON said, if the motion were carried, he should withdraw the bill immediately for it would render it impossible to trade.⁶⁰

MR. BROWN.--Pourquoi? C'est très peu de chose.⁶¹

MR. HOLTON.--Peut-être: seulement il introduit un principe entièrement étranger à toutes les règles de la finance.⁶²

MR. J.S. MACDONALD (Glengary) dit que l'amendement doit être adopté. Aujourd'hui les banques émettent des billets payables par exemple à London, dans la ville de Brockville, et ceux qui sont payables à Brockville dans la ville de London, et alors on spéculé sur ces billets.⁶³ [He] contended that the Banks ought to be compelled to pay the face of their notes, no matter at what agency they might be issued.⁶⁴

MR. HINCKS dit qu'il n'y a rien de vrai dans cela, et reproche à Mr. McDonald de s'être servi d'un mot qui implique de la malhonnêteté pour caractériser une transaction entièrement régulière.⁶⁵

MR. BROWN dit que les banques du Haut-Canada ne font pas d'agiotage sur les billets du Bas-Canada.⁶⁶ Where debts were due to the banks they ought to take their own notes at par at any branch, but ... they ought not to be compelled to pay them in specie except at the agencies where they were payable.⁶⁷

MR. YOUNG.--C'est très probable. L'agiotage qu'on fait sur les billets est l'échange qui se paie partout sur la transmission de l'argent, et comme il arrive le plus souvent que le taux de l'échange est en faveur de Montréal, on ne demande rien dans le Haut-Canada sur les billets du Bas-Canada; mais on demande un quart pour cent dans le Bas-Canada, sur les billets du Haut-Canada. La même chose a lieu pour l'échange entre Montréal et New-York; le taux de l'échange est en faveur de New-York, et ne on (*sic*) paie aucune commission à Montréal sur les billets payables à New-York. Si cette transmission entre le Haut-Canada et le Bas-Canada était opérée par deux banques différentes, on ne prétend pas qu'elle devrait être faite pour rien. Pourquoi refuser de payer quand cette transmission est faite par la même institution?⁶⁸

MR. HINCKS said every note of every individual was payable in specie.⁶⁹ Il est bon que le comité comprenne précisément ce que veut le membre pour Lincoln à ce sujet.⁷⁰ The hon. member for Lincoln, who might have a note due in St. Catherine, wanted to make them take their own notes payable some hundreds of miles off, to pay in specie all the notes payable at all their agencies or any one of them.⁷¹ Ce monsieur est intéressé dans la banque de Ste. Catherine, et il veut que quand la banque de Montréal, par exemple, présente les billets de cette banque pour paiement, que la banque de Ste. Catherine ait le pouvoir de dire: "Ah! nous ne vous payerons pas en espèces, voilà vos billets," en offrant une masse des billets payables à l'autre bout de la province, et ramassés pour cette fin. Il nie que les branches des banques émettent des billets payables ailleurs qu'à la branche d'où ils sortent. Les agences qui n'émettent aucuns (*sic*) billets (*sic*) se servent probablement de tous les billets de leur institution payables n'importe où; mais c'est au public de les refuser.⁷² The honorable member for Lambton's argument amounted to a complete suspension of specie payments throughout the whole country, by declaring that they might pay in something else than specie; a most dangerous principle. It was a monstrous proposition to say that a bank should be obliged to redeem its own notes, payable at all its agencies, at any one of them.⁷³ L'effet de cet amendement c'est réellement de renverser la règle que tout débiteur est tenu

de payer sa dette en espèce[s] si son créancier le demande. Les banques sont tenues de la faire; pourquoi pas les autres? mais ce n'est pas payer en espèce[s] que de donner un billet qui ne peut être échangé qu'à une distance de deux cent milles?⁷⁴ Any change in the present system in that respect, would strike at a principle lying at the basis of our whole financial system, namely that specie was the only legal tender, and that neither a Bank nor an individual was found to take anything else than specie.⁷⁵

MR. J.S. MACDONALD (Glengary)--Supposons qu'un billet dont je suis débiteur se trouve à Montréal entre les mains de la banque de Montréal; et supposons que j'aie à la banque de Montréal à Kingston m'y procurer des fonds; quand je descends à Montréal (sic) la banque là ne recevra pas les billets que je me suis procuré[s] dans son propre bureau à Kingston sans me faire payer un quart pour cent. Est-ce juste?⁷⁶

MR. HINCKS.--Parfaitement. Dans l'exemple cité par le membre pour Glengary il aurait voulu acquitter une dette payable à Montréal par un paiement fait à Kingston. Voilà ce qui n'est pas honnête. S'il avait voulu payer son billet à Kingston pourquoi s'engager à le payer à Montréal?⁷⁷

MR. YOUNG said, these matters were regulated by the value of exchanges and that there was no shave in the matter. If a person contracted to pay a note in Montreal, he had no right to pay it in Kingston.⁷⁸

MR. CRAWFORD nie que les billets de la banque de Montréal payables à Brockville soient émis ailleurs. La banque de Montréal émet ses billets pour le Haut-Canada à Toronto et pour le Bas-Canada à Montréal. Elle n'en émet aucuns (sic) à Brockville. Le mot Brockville qui se trouve quelques fois sur la face de ces billets signifie seulement que le billet ainsi marqué a passé par l'agence de Brockville.⁷⁹

MR. INSP. GEN. CAYLEY said, if a person chose to accept at any one place, notes payable in another, he could not expect to have them paid elsewhere than at the place where they were payable, otherwise the banks would be compelled to keep the means of paying the same notes in two different places.⁸⁰

MR. FEKRES dit que tout engagement de payer contient trois choses: temps, place et montant. On propose maintenant de laisser subsister deux de ces conditions, mais de détruire la troisième qui est pourtant tout aussi essentielle que le reste.⁸¹

The amendment was put and lost⁸² on a division.⁸³

Some other amendments were made to the Bill, which were reported and agreed to⁸⁴.

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The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Foley reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

John Frazer, Esquire, Francis H. Burton, Esquire, Jacob DeWitt, Esquire, Barthélemi Pouliot, Esquire; Chairman, François Lemieux, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Laval, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Laval be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

Joseph Papin, Esquire, Edwin Larwill, Esquire, Donald Matheson, Esquire, Gélon Mélasippe Trévant, Esquire; Chairman, Michael Hamilton Foley, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Argenteuil be referred to the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--John Elmy Cryslar, Esquire, Roderick McDonald, Esquire, William Frederick Powell, Esquire, James Ross, Esquire; Chairman, Charles Joseph Laberge, Esquire.

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The House, according to Order, again resolved itself into a Committee on the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chisholm reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Chisholm reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Mr. Wilson reported the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada; and the amendments were read, and agreed to.

MR. BROWN moved, "That the said Bill be recommitted to a Committee of the whole House, to amend its provisions so that the Provincial guarantee shall not be extended to Victoria Bridge." He said he did not think it necessary to take up the time of the House with any debate on the question as it had already been so fully discussed.⁸⁵

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Mr. Brown moved, seconded by Mr. Flint, and the Question being proposed, That the Bill be recommitted to a Committee of the whole House, to amend its provisions so that the Provincial Guarantee shall not be extended to Victoria Bridge; the House divided: and the names being called for, they were taken down, as follow:--

Ordered, That the Report be now received.

Mr. Ferres reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act to incorporate the Vaudreuil Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The House, according to Order, resolved itself into a Committee on the Bill to increase the Capital Stock of the Commercial Bank of the Midland District; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Alleyn reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Alleyn reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to increase the Capital Stock of the Bank of Upper Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Roblin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Roblin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and

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Mr. Patrick reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Patrick reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank; and after some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Hartman reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Hartman reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

On motion of MR. TERRILL,⁸⁷

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The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Saint Francis Bank;

[MR. TERRILL] explained that this bill was different from the other bills that had been passed but he thought when the House considered the peculiar

circumstances of the case they would see the reasonableness of what he asked for. The capital of the proposed Bank was to be £250,000, but he did not think that more than £100,000 would be paid up within the time limited for the paying up of stock. There was a further provision. He proposed that the Bank should commence to do business as soon as it had a capital of £10,000 paid up. He knew that some hon. members would consider the sum being small, but it was not in the circumstances in which it was asked, and if hon. members understood those circumstances they would not think so.⁸⁸ It might be objected that the failure of one merchant might break down such a bank. This might be the case, if some large merchant should borrow, £8,000 of the £10,000 paid up capital, and failed to pay it back; but such would not be the case⁸⁹. He wanted to have this bank established⁹⁰ in an agricultural Community⁹¹ for the accommodation of small county merchants and farmers, to whom to obtain a loan of from £1210s to £100 was often a matter of great importance⁹². £500 would be considered a very large sum.⁹³ The provisions of the Bill were such, that the guarantee for the prudent management of the Bank was as great as in the case of the large chartered banks, and perhaps greater. Was there any greater risk in the business of a small merchant, if prudently managed, than in that of a large merchant? Not at all, and so he believed that in a small bank there was a greater guarantee, and less risk, and if a failure should take place, the consequence would be much less injurious.⁹⁴ There now existed no Banks where the people of Stanstead could go to get such loans except in the State of Vermont. The business the proposed Bank would do was perfectly safe, and was [less] liable to fluctuations of trade than the large business of cities. Anybody acquainted with the Eastern Townships could speak of the prudence of the people. They were not likely to enter into any speculations.⁹⁵ Le bill au commencement proposait que les actionnaires fussent responsables à un montant triple de celui de leurs actions.... Maintenant⁹⁶ he proposed that the Bank would have a liability and a double indebtedness clause.⁹⁷ He proposed ... to confine the circulation to one fifth more than the amount of the paid up capital.⁹⁸ He desired to have no restrictions, as to the nature of the indebtedness, for the reason that the bussiness (sic) of such a Bank must necessarily be principally confined to the circulation of its notes--it could not do a business in foreign exchange. It was no use granting a charter that could not be used for people [who] could not expect to go and look at specie in the vaults of a Bank without some object.⁹⁹

MR. FELTON said there was a proposal before the House to establish a bank at Sherbrooke¹⁰⁰. The people of Sherbrooke wanted to have a Bank also, and he thought it desirable to have the matter so arranged that one charter could answer for both Banks. Stanstead and Sherbrooke were only 35 miles apart, and by a combination between the two places they might commence with £20,000 instead of £10,000.¹⁰¹ £10,000 he considered too small an amount to commence upon.¹⁰²

MR. TERRILL was obliged to the hon. member for his suggestion, but he did not want to have the Bill taken out of his hands. He had no objection to a Sherbrooke branch, but he had objection to an independent control at Sherbrooke over money raised in Stanstead. No institution of that sort could be conducted with two independent heads. But he would be willing to go this far if it could be so arranged: that Sherbrook[e] directors should have control over the stock they raised, without the right to interfere with that raised in Stanstead.¹⁰³

MR. HOLTON ... [was] willing as far as he could to promote the views of the hon. member [for] Stanstead, yet he thought it would be a very dangerous

principle to give charter to a Bank to do business on so small a capital as £10,000. The minimum under the Free Bank Act was £25,000¹⁰⁴ and he thought a less amount should not entitle any bank to go into operation.¹⁰⁵ Il y a devant la chambre un autre bill pour inco[r]porer une banque à Sherbrooke avec un capital de £100,000 dont £25,000 seulement doivent être payés. Il croit qu'un capital de £25,000 est bien peu de chose pour commencer les affaires d'une banque.¹⁰⁶

MR. INSP. GEN. CAYLEY made some objections to the details of the bill, but standing near the table with his back towards the Reporters gallery and not speaking in a very loud tone of voice, what he said could not be (sic) heard with distinctness to write down. He was understood however to say that he did not think it would be safe to allow a Bank to do business on¹⁰⁷ less than £20,000 paid up capital¹⁰⁸ with a capital altogether of not less than £100,000.¹⁰⁹ Le gouvernement est résolu de s'opposer à l'incorporation de toute banque qui ne possède pas au moins ... de capital payé.¹¹⁰ There was a difference between the security of a small and that of a large capital in a bank. The double liability clause would be of no use if a stockholder had already invested everything he was worth in instalments on his stock.¹¹¹

MR. BROWN was of opinion that the minimum of paid up capital suggested by the Inspector General was far too low.¹¹² No Bank should have a special charter given it to do business on such a sum. £25,000 was the minimum allowed by the Free Banking Act.¹¹³ He thought there should be at least a paid up capital of £50,000. The idea of chartering a Bank with a capital of £10,000 was as absurd as could well be conceived. The Bill talked of a Banking House and a Cashier of 11 Directors who were all to be paid. Why the first year's expenses would swallow up the whole of the capital. (Hear, hear.) If this charter were to be granted, they would very soon have their table groaning with similar¹¹⁴ petitions before six months were over¹¹⁵ [OR] before February. There would be four or five¹¹⁶ [OR] half a dozen¹¹⁷ applications from Toronto; and these small banks would create a degree of confusion never before introduced into our banking system.¹¹⁸

MR. TERRILL was surprised at the magnificent speech of the hon. gentleman from Lambton; who, on a previous session,¹¹⁹ battled with him against the Government¹²⁰ to get this bill through, when it was proposed to commence with only ... paid up capital¹²¹, and also voted for a similar bill.¹²² On that occasion the bill passed through the committee of the whole, and was lost on the question of concurrence.¹²³

MR. BROWN said he opposed three months hoist of the hon. gentleman's bill last year; but he did not support all its provisions.¹²⁴ It was not the same bill, and we did not go into details.¹²⁵

MR. TERRILL.--True it was not the same bill but it was much worse according to the objections now raised by the hon. member. As to the details they were gone into, and every clause was passed in the Committee even the preamble.¹²⁶

MR. BROWN.--But the Journals show differently. He read from them to the effect that the motion was to report progress and ask leave to sit, while Mr. Hincks moved that they should sit again in three months. He thought the hon. member was being badly and summarily treated by the Government and he assisted him to resist that--but he did not approve of the principle of the bill.¹²⁷

MR. TERRILL.--Yes the hon. member did. He approved of every clause even to the preamble. The Committee rose on the understanding to sit again the next

day to give the Government time to consider, but the Government finding that they had sufficient strength in the House made a rally, and Mr. Hincks put the motion which the hon. member had read.¹²⁸

MR. BROWN persisted in saying that he had not approved of the bill.¹²⁹

MR. CARTIER.--You did; I saw you.¹³⁰ [He] corroborated Mr. Terrill's statement of facts. He remembered the circumstances perfectly.¹³¹

MR. TERRILL ... [made] some further remarks¹³².

MR. AT. GEN. DRUMMOND testified to the high standing of the people of Stanstead. He said they were wealthy and intelligent; but he thought the hon. member for Stanstead had better accede to the request of the hon. member for Sherbrooke, and have only one Eastern Township's Bank.¹³³

MR. DEWITT corroborated the statement of Mr. Drummond as to the standing of the people of the Eastern Townships. They were a cautious and careful people, and would not be likely to do any thing rash. He was in favor of the bill. All the Banks had commenced with small capitals at first. The country was growing and this bank would grow.¹³⁴

MR. TERRILL said there was a provision in his Bill for establishing a branch at Sherbrooke.¹³⁵

MR. J. SMITH of Victoria, thought this a most important question, affecting the whole character of our banking institutions. The government ought to control the matter. £10,000 was entirely too little to permit a Bank to commence upon.¹³⁶

MR. LANGTON did not think the hon. member had much improved the matter by the announcement, that with his capital of £10,000 he was not only to establish a bank in the flourishing town of Stanstead, but a branch also in the still more important town of Sherbrooke (Hear, hear and laughter.)¹³⁷

MR. TERRILL alors dit qu'il ne faut pas procéder si le gouvernement s'oppose à la mesure, et il propose que le comité se lève, et fasse rapport.¹³⁸

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sidney Smith reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow, and be then the fourth Order of the day.¹³⁹

The Order of the day for the third reading of the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, being read;

Ordered, That the said Order of the day be postponed until To-morrow, and be then the first Order of the day.

The Order of the day for the third reading of the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventres or fines upon the mutation of Lands held en roture in Lower Canada, being read;

Ordered, That the said Order of the day be postponed until To-morrow, and be then the second Order of the day.

Mr. DeWitt moved, seconded by Mr. Frazer, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.

The Order of the day for the second reading of the Bill to enable Ministers of the Evangelical Lutheran Church in this Province to solemnize Matrimony therein, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Sir Allan N. MacNab,

The House adjourned.

FOOTNOTES: 22 NOVEMBER 1854.

1. MORNING CHRONICLE, 25 November 1854.
2. TORONTO DAILY LEADER, 5 December 1854.
3. MORNING CHRONICLE, 25 November 1854.
4. GLOBE, 2 December 1854 (in Scrapbook Hansard).
5. MORNING CHRONICLE, 25 November 1854.
6. GLOBE, 2 December 1854 (in Scrapbook Hansard).
7. MORNING CHRONICLE, 25 November 1854.
8. GLOBE, 2 December 1854 (in Scrapbook Hansard).
9. MORNING CHRONICLE, 25 November 1854.
10. GLOBE, 2 December 1854 (in Scrapbook Hansard).
11. MORNING CHRONICLE, 25 November 1854.
12. GLOBE, 2 December 1854 (in Scrapbook Hansard).
13. MORNING CHRONICLE, 25 November 1854.
14. TORONTO DAILY LEADER, 5 December 1854, which is the only newspaper to report this amendment.
15. TORONTO DAILY LEADER, 5 December 1854.
16. GLOBE, 2 December 1854 (in Scrapbook Hansard).
17. LE PAYS, 2 December 1854.
18. GLOBE, 2 December 1854 (in Scrapbook Hansard).
19. LE PAYS, 2 December 1854.
20. GLOBE, 2 December 1854 (in Scrapbook Hansard).
21. LE PAYS, 2 December 1854.
22. GLOBE, 2 December 1854 (in Scrapbook Hansard).
23. IBID.
24. LE PAYS, 2 December 1854.
25. GLOBE, 2 December 1854 (in Scrapbook Hansard).
26. MORNING CHRONICLE, 25 November 1854.
27. LE PAYS, 2 December 1854, which is the only newspaper to make this note.
28. MORNING CHRONICLE, 25 November 1854.
29. IBID.
30. GLOBE, 2 December 1854 (in Scrapbook Hansard).
31. MORNING CHRONICLE, 25 November 1854.
32. GLOBE, 2 December 1854 (in Scrapbook Hansard).
33. MORNING CHRONICLE, 25 November 1854.
34. GLOBE, 2 December 1854 (in Scrapbook Hansard).
35. MORNING CHRONICLE, 25 November 1854.
36. GLOBE, 2 December 1854 (in Scrapbook Hansard).
37. MORNING CHRONICLE, 25 November 1854.
38. GLOBE, 2 December 1854 (in Scrapbook Hansard).
39. IBID.
40. MORNING CHRONICLE, 25 November 1854.
41. GLOBE, 2 December 1854 (in Scrapbook Hansard).
42. MORNING CHRONICLE, 25 November 1854.
43. IBID.
44. IBID.
45. TORONTO DAILY LEADER, 5 December 1854.
46. IBID.
47. MORNING CHRONICLE, 25 November 1854.
48. TORONTO DAILY LEADER, 5 December 1854.
49. MORNING CHRONICLE, 25 November 1854.
50. IBID.
51. IBID.

52. TORONTO DAILY LEADER, 5 December 1854.
53. MORNING CHRONICLE, 25 November 1854.
54. GLOBE, 2 December 1854 (in Scrapbook Hansard).
55. MORNING CHRONICLE, 25 November 1854.
56. IBID.
57. LE PAYS, 2 December 1854.
58. IBID.
59. TORONTO DAILY LEADER, 6 December 1854.
60. MORNING CHRONICLE, 25 November 1854.
61. LE PAYS, 2 December 1854.
62. IBID.
63. IBID.
64. MORNING CHRONICLE, 25 November 1854.
65. LE PAYS, 2 December 1854.
66. IBID.
67. MORNING CHRONICLE, 25 November 1854.
68. LE PAYS, 2 December 1854.
69. MORNING CHRONICLE, 25 November 1854.
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72. LE PAYS, 2 December 1854.
73. MORNING CHRONICLE, 25 November 1854.
74. LE PAYS, 2 December 1854.
75. GLOBE, 2 December 1854 (in Scrapbook Hansard).
76. LE PAYS, 2 December 1854.
77. IBID.
78. MORNING CHRONICLE, 25 November 1854.
79. LE PAYS, 2 December 1854.
80. MORNING CHRONICLE, 25 November 1854.
81. LE PAYS, 2 December 1854.
82. MORNING CHRONICLE, 25 November 1854.
83. GLOBE, 2 December 1854 (in Scrapbook Hansard).
84. IBID.
85. IBID.
86. IBID.
87. MORNING CHRONICLE, 25 November 1854.
88. IBID.
89. TORONTO DAILY LEADER, 6 December 1854.
90. MORNING CHRONICLE, 25 November 1854.
91. GLOBE, 2 December 1854 (in Scrapbook Hansard).
92. MORNING CHRONICLE, 25 November 1854. TORONTO DAILY LEADER, 6 December 1854, states that "the loans of this bank would range in amount of £12 to £20".
93. TORONTO DAILY LEADER, 6 December 1854.
94. GLOBE, 2 December 1854 (in Scrapbook Hansard).
95. MORNING CHRONICLE, 25 November 1854.
96. LE PAYS, 2 December 1854.
97. MORNING CHRONICLE, 25 November 1854.
98. TORONTO DAILY LEADER, 6 December 1854.
99. MORNING CHRONICLE, 25 November 1854.
100. TORONTO DAILY LEADER, 6 December 1854.
101. MORNING CHRONICLE, 25 November 1854.
102. TORONTO DAILY LEADER, 6 December 1854.

103. MORNING CHRONICLE, 25 November 1854.
104. IBID.
105. TORONTO DAILY LEADER, 6 December 1854.
106. LE PAYS, 2 December 1854.
107. MORNING CHRONICLE, 25 November 1854.
108. TORONTO DAILY LEADER, 6 December 1854.
109. GLOBE, 2 December 1854 (in Scrapbook Hansard).
110. LE PAYS, 2 December 1854. The ellipsis represents an illegible figure.
111. TORONTO DAILY LEADER, 6 December 1854.
112. GLOBE, 2 December 1854 (in Scrapbook Hansard).
113. MORNING CHRONICLE, 25 November 1854.
114. GLOBE, 2 December 1854 (in Scrapbook Hansard).
115. MORNING CHRONICLE, 25 November 1854.
116. TORONTO DAILY LEADER, 6 December 1854.
117. MORNING CHRONICLE, 25 November 1854.
118. TORONTO DAILY LEADER, 6 December 1854.
119. IBID.
120. MORNING CHRONICLE, 25 November 1854.
121. TORONTO DAILY LEADER, 6 December 1854. The ellipsis represents an illegible figure.
122. MORNING CHRONICLE, 25 November 1854.
123. TORONTO DAILY LEADER, 6 December 1854.
124. IBID.
125. MORNING CHRONICLE, 25 November 1854.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. TORONTO DAILY LEADER, 6 December 1854.
131. MORNING CHRONICLE, 25 November 1854.
132. IBID.
133. IBID.
134. IBID.
135. GLOBE, 2 December 1854 (in Scrapbook Hansard).
136. TORONTO DAILY LEADER, 6 December 1854.
137. GLOBE, 2 December 1854 (in Scrapbook Hansard).
138. LE PAYS, 2 December 1854.
139. MORNING CHRONICLE, 25 November 1854, states: "the Committee rose and reported progress to sit again to-morrow, on the understanding that an agreement would be made, if possible, so as to pass the bill." At the end of this debate LE PAYS, 2 December 1854, reports: "Il est alors proposé que la chambre passe les ordres du jour qui ne sont pas opposés, mais après quelques temps, M. Mackenzie, qui veut un ajournement, s'oppose à tous les bills. M. Smith, sol[1]iciteur général, propose que la chambre s'ajourne, ce qui fut emporté."

THURSDAY, 23 NOVEMBER 1854.

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MR. SPEAKER communicated to the House the following Letter:--

Quebec, 23rd November, 1854.

Sir,--I regret that I have to announce to you that W.B. Lindsay, Esquire, Clerk of this House, has been suffering since this morning from severe indisposition, which renders him for the present incapable of discharging the duties of his Office.

Under these circumstances, being unable himself to write to you, he has desired me respectfully to represent to you, that with the view of expediting the business of the House, he would recommend the appointment (with your approbation) of a Deputy Clerk Assistant to act during his temporary absence, the duty of Clerk of the House devolving for the time upon myself.

I have the honor to be, Sir,

Most respectfully,

Your very obedient Servant,

G.B. Faribault.

To the Honorable

The Speaker of the Legislative Assembly.

Mr. Speaker then acquainted the House, That the Clerk had, with his approbation, appointed W.B. Lindsay, junior, Esquire, to act as Deputy Clerk Assistant during his temporary absence.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Turcotte,--The Petition of Louis D. Blanchet and others, practising Pilots for the Port of Quebec.

By Mr. Dionne,--The Petition of the Reverend L. Roy and others, School Commissioners of Trois Pistoles, County of Temiscouata.

By the Honorable Mr. Chabot,--The Petition of W.H. Anderson and others, representatives of the several Insurance Companies, and others, of the City of Quebec.

By Mr. Ferrie,--The Petition of George B. Thomson and others, Clerks and Bailiffs of the Division Courts of the County of Waterloo.

By Mr. Pouliot,--The Petition of the Reverend E. Hallé and others, of the Parish of Sainte Marguerite, County of Dorchester.

By Mr. Patrick,--The Petition of George Vandusen and others, of the County of Prince Edward.

By the Honorable Mr. Attorney General Macdonald,--The Petition of George Webster, of the City of Kingston; the Petition of Josiah Sampson, M.D., and others, Lecturers of the School of Medicine in the City of Kingston; the Petition of the Reverend A. Hay and others, Catholic inhabitants of the Diocese of Kingston; and the Petition of Frontenac Division, No. 2, of the Order of the Sons of Temperance.

By the Honorable Mr. Morin,--The Petition of the Reverend L. Gill and others, of the Townships of Piquet and Madame, County of Chicoutimi.

By Mr. Allyn,--The Petition of the Council of the Quebec Board of Trade.

Pursuant to the Order of the day, the following Petitions were read:--

Of J.H. Sweet and others, of the Townships of Sutton, Potton, Bolton, Brome, and the East part of Farnham; praying that the said Townships may be set apart

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and erected into a separate County for Municipal and other purposes, under the name of the County of Brome.

Of B.C. Doan and others, of the Township of Yarmouth, County of Elgin; and of Donald McEwin and others, of the Township of Kincardine, County of Bruce; praying for the passing of a Prohibitory Liquor law.

Of the Kingston Sabbath Reformation Society; and of the Synod of the Presbyterian Church of Canada; praying for the abolition of all labor on the Lord's Day in the Post Office Department, and on the St. Lawrence Canals.

Of J.H. Glass, Chairman, and J.R. Gemmill, Secretary, on behalf of a Public Meeting of the inhabitants of the County of Lambton; praying that no extension of power be granted to either the Great Western or the Grand Trunk Railway Companies, unless on condition that they fulfil their previous engagements by the construction of a Railway to Port Sarnia, or otherwise that a Charter be granted to an independent Company for that purpose.

Of M. Holmes and others, of the Town of London; praying the adoption of certain measures for the prevention of Fires and the destruction and loss of property thereat, for ascertaining their causes, and for the taxing of damages in certain cases.

Of J.B. Legault and others, School Commissioners of the Parish of Ste. Scholastique, County of Two Mountains; praying aid for the construction of a building for a Superior School in the said Parish.

Of L'Institut Canadien of Bytown; praying for the establishment of Separate Common Schools, and that they may share in the proceeds of the Clergy Reserves.

Of L'Institut Canadien of Bytown; praying that aid may be granted to the College of Bytown from the School Fund of Upper Canada, similar to that which has been granted to the said College from the Education Fund of Lower Canada.

Of A. Plamondon, Esquire, and others; praying for aid in behalf of the St. Roch's Reading Room, Quebec.

Of E.B. Lindsay, Esquire, and others, School Commissioners of the Parish of Ste. Foy; praying for aid to enlarge and improve the Academy of the said Parish.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Fort Erie Canal Company, and have made several amendments to the same, which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Fort Erie Canal Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Mr. Felton, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Bills, and have prepared to each of them, respectively, certain amendments, which they respectfully submit for the consideration of Your Honorable House, viz:

Bill to enable Ministers of the Evangelical Lutheran Church in this Province to solemnize Matrimony therein:

Bill to empower the Municipal Council of the Township of Otonabee to exchange certain Concession Lines in the said Township:

Bill to incorporate the Canada Copper Company.

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Ordered, That the Bill to enable Ministers of the Evangelical Lutheran Church in this Province to solemnize Matrimony therein, as reported from the Standing

Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to incorporate the Canada Copper Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That Mr. Hartman, Mr. Wright, and Mr. Rhodes, be added to the Standing Committee on Miscellaneous Private Bills, in the room of Mr. Huot whose Election has been declared void, and the Honorable Mr. Cameron and Mr. Sanborn who are absent from Town.

Ordered, That the Bill to empower the Municipal Council of the Township of Otonabee to exchange certain Concession Lines in the said Township, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

On motion of Mr. Langton, seconded by Mr. Felton,

Ordered That the time for receiving Petitions for Private Bills, for referring them to the Standing Committee on Miscellaneous Private Bills, and for receiving the Reports thereon, be extended to the end of the Session.

On motion of MR. CRAWFORD,¹

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Resolved, That the Petition of the Town Council of Brockville, be referred to a Select Committee, composed of Mr. Crawford, Mr. Wilson, Mr. Lyon, Mr. Patrick, and Mr. Joseph Curran Morrison, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That five hundred extra Copies of the Bill to amend the Act establishing a Bureau of Agriculture, and consolidating the Laws relating to Agriculture, be printed for the use of the Members of this House.

Ordered, That the Petition of Sydney Bellingham, of the City of Montreal, Esquire, be referred to the Select Committee on the Petition complaining of an undue Election and Return for the County of Argenteuil.

Ordered, That the Orders of the day be now read.

And the Order of the day for the third reading of the Bill to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes, being read;

The Honorable Mr. Attorney General Macdonald moved, seconded by the Honorable Mr. Cayley, and the Question being proposed, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Aikins, Allyn, Bell, Bellingham, Blanchet, Brodie, Burton, Cartier, Cayley, Chabot, Charbonneau, Chisholm, Church, Cook, Dean, J. Droust, Delong, DeWitt, Dionne, Attorney General Macdonald, Dufresne, Felton, Thomas Fortier, Fournier, Gill, Holton, Jackson, Labellie, Langton, Laporte, Levesque, Lonsden, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. McNab, McKerlie, Matheson, McGicher, Morgenais, Morin, Joseph C. Morrison, Angus Morrison, Munro, Niles, Patrick, Poulin, Paullet, Roblin, Solicitor General Smith, Edney Smith, James Smith, Somerville, Strudwick, Spence, Terrill, and Young.--(56.)

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NAYS.

Messieurs Brown, Bureau, Casault, Crawford, Charles Daoust, Darche, Antoine A. D'Am, Ferrer, Ferrie, Flint, Foley, Fraser, Gagnon, Hartman, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Masson, Mattice, Merritt, O'Farrell, Lapin, Prévost, Robinson, Scotchard, Shaw, Stevenson, Thibault, Valois, Wilson, and Wright.--(33.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

MR. BROWN said he thought it unnecessary that there should be any further discussion on this question. All that was necessary now was to give their votes. (Hear, hear.)² [He] announced ... [his] intention to vote against the bill because ... [he was] not satisfied with it.³

MR. A. DORION (Montreal) repeated the argument he had advanced at several previous stages of the Bill, that the whole of the Clergy Reserves of Upper and Lower Canada should be distributed for the benefit of the whole Province without reference (*sic*) to the division of the country, into two sections.⁴ [He] thought that the business of the Province could not be carried on by the principle of local legislation carried on at present. The sectarian distinctions taken rendered that impossible. He saw that from the quarter he least expected these disti[n]ctions were upheld. The Upper Canadian members had used the most effective arguments against equality of representation, and they insisted upon the sectional distribution of the Clergy Reserves. He (Mr. Dorion) much regretted the course those honorable members had taken, and he was prepared to vote against the third reading of the bill. He was desirous to see this bill settled as well as the Seigniorial Tenure, and⁵ was so anxious that Canada should be recognized as one undivided Province⁶. If this Clergy Reserves bill had been carried out as he had wished, he would⁷ willingly abandon the present system of an equal number of representatives for either section of the Province, and adopt the principle, of representation by population-- (Hear, hear and [*sic*] cheers.)⁸ Another feature in the bill he should not like was the appropriation of the proceeds of the Clergy Reserves to municipal purposes. He was convinced that that was a total loss to the country, and that this money would be squandered away by the municipalities (hear, hear). If instead they were applied as the member for Lincoln had the other day said, to education and statistical libraries, it would do the public good, but he was convinced that as far as Lower Canada was concerned, that the amount of the appropriation would not be for the public good. For these reasons he would vote against the bill.⁹

MR. MERRITT said he should vote against this Bill, as he had voted against that of 1839 for settling the Reserves, because he considered it unjust. Instead of the money being given to education, he believed the distribution of the fund would be detrimental to the interests of the country.¹⁰

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Mr. Chisholm moved, seconded by Mr. Sidney Smith, and the Question being put, That the following Clause be added to the Bill, and do follow the 5th Clause thereof: "And be it enacted, That it shall be the duty of each County Treasurer, on the receipt of any money provided to be paid to him under the provisions of the next preceding Clause of this Act, to apportion the same equally among the several Town, Township, and Village Municipalities forming such County or Union of Counties, in proportion to the population according to the last Census, as is also provided in the said Clause, and to pay the same over to the Treasurer of each such Municipality without any deduction whatsoever, and the same shall make part of the general funds of such Municipality, and be applicable to any purpose

to which funds may be by law applied by such Municipality;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bellingham, Cayley, Chisholm, Cook, Crawford, Fernes, Flint, Fraser, Langton, Lyon, Attorney General Macdonald, McKenzie, Sir A.N. MacNab, McKerlie, Musson, Merritt, Munro, Niles, Patrick, Powell, Scatcherd, Silvey Smith, James Smith, Spence, Wilson, and Wright.--(27.)

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NAYS.

Messieurs Bell, Blanchet, Bourassa, Brodeur, Brown, Bureau, Burton, Cartier, Casault, Chabot, Chauveau, Church, Charles Daoust, Jean B. Daoust, Darche, DeLong, DeWitt, Dionne, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Thomas Fortier, Fournier, Gill, Guévrement, Harbman, Holton, Jackson, Labelle, Laberge, Laporte, Lemieux, Lunsden, Macbeth, John A. Macdonald, Roderick McDonald, Matheson, Mittice, Meagher, Morin, Joseph C. Morrison, Anus Morrison, O'Farrell, Papin, Poulin, Pouliot, Roblin, Solicitor General Smith, Monroville, Southwick, Stevenson, Terrill, Thibaudeau, Valois, and Young.--(57.)

So it passed in the Negative.

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The Honorable Mr. Attorney General Macdonald moved, seconded by the Honorable Mr. Cayley, and the Question being put, That the Bill do pass, and the Title be, "An Act to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves, by rendering them available for Municipal purposes;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Blanchet, Brodeur, Burton, Cartier, Cayley, Chabot, Chauveau, Chisholm, Church, Cook, Crysler, Jean B. Daoust, DeLong, Desaulniers, DeWitt, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Holton, Jackson, Labelle, Langton, Laporte, Lemieux, Lorrain, Lunsden, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McKerlie, Matheson, Meagher, Monroville, Morin, Joseph C. Morrison, Anus Morrison, Munro, Niles, Patrick, Poulin, Pouliot, Roblin, Solicitor General Ross, Solicitor General Smith, Silvey Smith, James Smith, Monroville, Southwick, Spence, Terrill, and Young.--(62.)

NAYS.

Messieurs Bourassa, Brown, Bureau, Casault, Crawford, Charles Daoust, Darche, Antoine A. Dorion, Fernes, Ferrie, Flint, Foley, Fraser, Guévrement, Harbman, Jobin, Laberge, John A. Macdonald, Roderick McDonald, MacKenzie, Musson, Mittice, Merritt, Munro, O'Farrell, Papin, Powell, Daoust, Hankin, Rhodes, Robinson, Scatcherd, Shaw, Stevenson, Taché, Thibaudeau, Valois, Wilson, and Wright.--(50.)

So it was resolved in the Affirmative.11

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to define and limit Seigniorial Rights, to facilitate the redemption thereof, and to abolish all Lods et Ventes or fines upon the mutation of Lands held en roture in Lower Canada, being read;

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Morin, and the Question being proposed, That the Bill be now read the third time;

MR. RANKIN approved of the bill because he thought it came as near perfection as possible. He had the highest confidence in the disinterestedness of the Attorney General Mr. Drummond, and he believed that he was fully acquainted with the rights of the Seigniors. He wanted now to express his opinion with regard to the conduct of the ministry. He had very much desired to be present when the Clergy Reserves bill passed, and was very much disappointed that he had not been. He had at all events shown that he had possessed no factious desire to oppose the measure. He thought, however, that he was unhandsomely treated when he had attempted to say a few words in the early part of the evening, especially as he was not in the habit of intruding upon the House often. What he wanted was, to correct, no doubt, an unintentional error, by which he had been made to say, that he was hostile to compromises upon any subject whatever. He could not give stronger proof of the fact that he did not make this statement, than by calling attention to his conduct upon the present bill. It might be improved, but he showed by voting upon it, that he would meet any body upon mere considerations of pecuniary advantage. Upon matters of high principle, however, he would make no compromise whatever. He would neither be persuaded [n]or bullied into them.¹²

MR. A. DORION of Montreal moved that the words "Fiefs Nazareth, St. Augustin, St. Joseph, Closse and Lagauchetière," in the 68th Clause of the said Bill, be left out. He replied that these Seigniories, situated in Montreal, were excluded from the operation of the Bill, although it was of the utmost importance that facilities should be given for their commutation.¹³

MR. AT. GEN. DRUMMOND said he intended to introduce a special Bill to apply to those Seigniories.¹⁴

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Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Holton, That all the words after "be" to the end of the Question be left out,

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in order to add the words "amended, by leaving out 'Fiefs Nazareth, Saint Augustin, Saint Joseph, Closse and Lagauchetière,' in the 68th Clause" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Bureau, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Attorney General Drummond, Ferres, Ferrie, Flint, Foley, Frazer, Guévrement, Hartman, Holton, Jobin, Labelle, Liberge, Lumsden, John S. Macdonald, Mackenzie, Marchillon, Merritt, Papin, Prépost, Skatford, Valois, Wilson, Wright, and Young.--(31.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Blanchet, Brodeur, Burton, Cartier, Casault, Cayley, Chabot, Chauveau, Chisholm, Church, Cook, Crawford, Cryster, Jean B. Daoust, Delong, Desaulniers, Dionne, Dostaler, Felton, Thomas Fortier, Octave J. Fortier, Fournier, Gill, Jackson, Langton, Laporte, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. McNab, Masson, Meagher, Mongenais, Morin, Joseph C. Morrison, Munro, Murray, Niles, O'Farrell, Poulin, Pouliot, Powell, Rhodes, Robinson, Roblin, Solicitor General Ross, Solicitor General Smith, Sidney Smith, James Smith, Southwick, Spence, Stevenson, Taché, Terrill, and Thiбаudeau.--(61.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Bureau moved in amendment to the Question, seconded by Mr. Jobin, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by leaving out from 'Montreal' to 'Sherrington' inclusive, in the 68th Clause" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Lemieux moved in amendment to the Question, seconded by Mr. Pouliot, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by adding at the end of the 8th Clause the words 'and any agreement, either written or verbal, having for its object the admission or affirmation of such honorary distinction or privilege shall be considered to all intents and purposes to be null and void, whether it be entered into hereafter or shall have been so entered into prior to the passing of this Act'" instead thereof;

And the Question being put, That those words be there added; the House divided:--And it passed in the Negative.--

John Pliny Cryslar, Esquire, Roderick McDonald, Esquire, William Frederick Powell, Esquire, James Ross, Esquire; Chairman, Charles Joseph Lalonde, Esquire,

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being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Montmagny, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Ten in the forenoon.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one [of the] Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act for the removal of doubt and to explain the Provincial Statute 12th Victoria, chapter 42, to abolish imprisonment for Debt, and for other purposes:"

Bill, intituled, "An Act to declare valid a certain Survey of part of the Town of Cornwall:"

Bill, intituled, "An Act to incorporate the Town of Whitby, and to define the limits thereof:" And also,

The Legislative Council do give leave to the Honorable Etienne Paschal Taché, a Member of their House, to attend before the Select Committee of this House to which have been referred the Petitions complaining of an undue Election and Return for the City of Quebec, to be examined before the said Committee, if he thinks fit.

And then he withdrew.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Lemieux moved in amendment to the Question, seconded by Mr. Pouliot, That all the words after "be" to the end of the Question be left out, in order to add

the words "amended, by inserting the words 'which may have depended from or formed part of the Domain or private property of the Seigneur, and not otherwise' after the word 'City' in the fifth line of the 10th Clause, eighth line of the 15th Clause, and twenty-fourth line of the 21st Clause" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Thibaudeau moved in amendment to the Question, seconded by Mr. Lemieux, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by leaving out from 'thereof' in the fifth line of the 33rd Clause to the end of the said Clause" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Laberge moved in amendment to the Question, seconded by Mr. Bureau, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by inserting the following Clause after the 10th Clause thereof:" With regard to Lands known by the name of Emplacements which are not under cultivation, and which are situated without the limits of the Cities of Quebec, Montreal, and Three Rivers, and their Banlieues, the payment of the Cens et Rentes thereon shall be provided for in manner following: each of the Commissioners

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hereinafter appointed to draw up the Schedules of the Seigniories, after having drawn up such Schedule, shall make an estimate of the mean extent of the conceded lands in the Seignior, and of the mean value of such lands of average extent in such Seignior; this average being ascertained and determined, and ... the said Emplacements being valued as hereinafter provided, the said Commissioners shall assess the Cens et Rentes on every such Emplacement in proportion to its value as compared with such land of average value; so that an Emplacement being of a value equal to that of a land of average extent and value in the said Seignior shall pay the same amount of Cens et Rentes, shall pay twice as much if it is of twice the value of the said land, and so on in proportion to their relative value; provided always, that the said Cens et Rentes shall in no case exceed the amount now payable by each of the said Emplacements" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Pouliot moved in amendment to the Question, seconded by Mr. Lemieux, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by leaving out the word 'majority' in the first line of the 38th Clause, and inserting the words 'three-fourths'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Fournier, Lemieux, Marchildon, Pouliot, and Thibaudeau.--(5.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bourassa, Brodeur, Brown, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Church, Cranford, Crysler, Charles Daoust, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Flint, Foley, Thomas Fortier, Octave C. Fortier, Fraser, Gill, Guereumont,

Hinks, Holton, Jackson, Jobin, Labelle, Laporte, Lorranger, Lonsden, Lyon, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Sir A.L. Macd, Mason, Matheson, Meagher, Monjeais, Morin, Joseph C. Morrison, Angus Morrison, Marney, Ripin, Patrick, Poulin, Powell, Prévost, Runkin, Rhodes, Attorney General Ross, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Donemille, Spence, Taché, Terrill, Valois, Wright, and Young.--(78.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Pouliot moved in amendment to the Question, seconded by Mr. Lemieux, That all the words after "be" to the end of the Question be left out, in order to add the words "so amended as to limit the interest mentioned in the 29th Clause payable by the Censitaire, to thirteen years" instead thereof;

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Brown, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by providing that the following Funds and Lands of the Jesuits' Estates be transferred to the Fund for the indemnity of the Seigniorial Rights, viz: all monies already realized and standing on the Receiver General's Books as the Jesuits' Estates Fund; all other proceeds of past sales of the said Estates or Property realized or due and unappropriated; also the sum that may be realized from the sale of the Jesuits' College grounds now used as a Barrack for the Military in Quebec, and containing five acres; also three acres and 68-100th parts of an acre, or thereabouts, in the City of Montreal; together with all other Lands yet unsold and belonging to the said Jesuits' Estates, being about four hundred thousand acres" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, DeWitt, Fergusson, Ferrie, Flint, Foley, Frazer, Lunsden, Lyon, John S. Macdonald, Mackenzie, Mitche, Patrick, Powell, Scatcherd, Shaw, Wilson, and Wright.--(20.)

NAYS.

Messieurs Alleyn, Blanchet, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Chabot, Chauveau, Charles Daoust, Jean B. Daoust, Darche, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guérin, Hinks, Holton, Jobin, Labelle, Langton, Laporte, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.L. Macd, Mason, Meagher, Monjeais, Morin, Joseph C. Morrison, Angus Morrison, Marney, O'Farrell, Ripin, Poulin, Taché, Prévost, Runkin, Robinson, Solicitor General Ross, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Taché, Thibaudeau, and Valois.--(59.)

So it passed in the Negative.

Then the main Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Church, Cook, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, DeWitt, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Gill, Hincks, Holton, Jackson, Langton, Laporte, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Masson, Matheson, Meagher, Monjeais, Morin, Joseph C. Morrison, Munro, Niles, O'Farrell, Patrick, Poulin, Pouliot, Prévost, Rankin, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Thibeaudeau, and Young.--(69.)

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NAYS.

Messieurs Brown, Chapais, Darche, Dionne, Fergusson, Ferrie, Flint, Foley, Fournier, Frazer, Guévremont, Jobin, Labelle, Larwill, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Murney, Robinson, Scatcherd, Taché, Valois, Wilson, and Wright.--(28.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Morin, and the Question being put, That the Bill do pass, and the Title be, "An Act to provide for the abolition of feudal rights and duties in Lower Canada;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Church, Cook, Crawford, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, DeWitt, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Gill, Hincks, Holton, Jackson, Langton, Laporte, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Masson, Matheson, Meagher, Monjeais, Morin, Joseph C. Morrison, Munro, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Prévost, Rankin, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Thibeaudeau, and Young.--(71.)

NAYS.

Messieurs Aikins, Brown, Chapais, Darche, Dionne, Fergusson, Ferrie, Flint, Foley, Fournier, Fraser, Guévremont, Hartman, Jobin, Labelle, Laberge, Larwill, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Murney, Papin, Robinson, Scatcherd, Taché, Valois, Wilson, and Wright.--(32.)

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So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for taking into consideration the Second Report of the Standing Committee on Contingencies, being read;

MR. JOBIN moved the consideration of the second Report of the Committee on Contingencies.¹⁵

MR. SOL. GEN. H. SMITH hoped that the Report would be concurred in without debate. If the report were sent back there would not likely be another report before the recess, which would be unjust to the clerks.¹⁶

MR. LORANGER moved that the Report be amended by fixing the salary to be allowed to the Clerk of routine and records; Mr. Spink, at £300 per annum, instead of £250, his present salary. His intention was not to oppose the report at all, but honorable members would support or oppose his amendment as they thought proper.¹⁷

MR. ROBINSON thought that the report should be looked into before concurred in, in regard to such matters as that before the House, otherwise it would not be doing justice to the clerk of routine and records, who was entitled to be placed upon the same footing in advance of salary as Mr. Hartny, another clerk, had been.¹⁸

MR. POWELL did not concur in the views of the last two gentlemen. The committee had had the matter in question before them and were fully able to act upon it properly. If their report was to be canvassed it should be canvassed from beginning to end. He would support increased pay to the servants of the House, but he would sustain the report.¹⁹

MR. HINCKS concurred in these views and also in those of the Solicitor General. He would have no objection if the opinion of the House was that the committee had not fully considered the matter, that the report should be referred back to the committee for reconsideration. But when the House appointed a committee of this kind and they take (sic) the trouble to investigate thoroughly into the subject referred to them it was not right for clerks of the House after the making of that report, to appeal against it. There was scarcely an honorable member in that House who had not been canvassed to go against the report of the committee. He, Mr. Hincks, would be no party to that. He would abide by the report unless it were objectionable, then send it back to the committee for reconsideration.²⁰

MR. PROV. SEC. CHAUVEAU thought the House had a right to question the Report of the Committee, if they thought that some claims had not been looked into.²¹

MR. ROBINSON would move that the Report be not then concurred in, but be referred back to the Committee for reconsideration, for the purpose of giving the petitioners an opportunity of conferring with the Committee.²²

MR. COM. CR. LANDS MORIN did not quite agree with the Committee's Report. He thought that Mr. Spink should receive an advance of salary; also, Dr. Winder, the Librarian in chief, the assistant Librarian being recommended additional salary, whereas he, (Dr. Winder,) was not. That was not fair; advanced salary should also be given to Messrs. Ross and Wilson.²³

MR. ROBINSON would like to withdraw his motion, as he did not wish to take the matter out of the hands of the Hon. member for Laprairie, (Mr. Loranger.)²⁴

MR. WILSON did not agree to this proposition; the motion should stand.²⁵

MR. SOL. GEN. H. SMITH said it had always been the case that when the reports of this committee came before the House, length[y] discussions took place upon ... [them;] and after all injustice was done to parties intrusted in that report, by delay, and the House allowed itself to be guided by the clamorous application of clerks, to the detriment of the public. He (Mr. Smith) would be no party to pay so poor a compliment to the committee on contingencies as to send back their report to them for reconsideration, thereby overthrowing their labours for this session. He would not place the house and committee in antagonism to each other. Since

this debate had begun, letters had been put into honorable members' hands by clerks preferring their claims. No doubt honorable members all round the House had been importuned on the matter. There were clerks in the Crown Lands Office who did more labor in one day, than some of the clerks of the House did in a week, and the clerks in the former were receiving less salary than those in the latter. He protested against the assertion that length of service entitled a man to increase of pay. The House should adopt the old rule, that when any clerk applies for an increase for salary to ... [this] House, their situation should be deemed vacant; there were plenty [of] persons glad to take these situations. There were a great many clerks of the House who did not do any labor for six months in the years (sic). They were better paid than any other clerks. He (Mr. Smith) would not disturb the report of the committee.²⁶

MR. LYON said, Mr. Spink had created all this discussion. Not one dissenting voice of clerks was there but his, to the report of the Committee; his avarice knew no bounds. A resolution had once been adopted by the House, that any officer, thereof, who at any time might consider his pay inadequate, should be allowed to retire from the service of the House, and the clerk of the House should fill up the vacancy. He ... thought if that resolution were carried out that Mr. Spink, who had had the audacity to protest against the Report of the Committee, ought to be allowed to retire from his present situation. He (Mr. L.) held that the Department which that gentleman presided over, was altogether unnecessary, and the duty that he discharged was that formerly accomplished by the page of the House. His duties were discharged officially some few years back by Mr. Cardinal, the messenger of the House, and instead of Mr. Spink discharging the duties himself, he employed two clerks in his office, (hear, hear.) This Department should be abolished, and the general expenses of the House decreased.²⁷

MR. MACKENZIE said the Report should be adopted now if at all. He supported Mr. Spink's claim, and thought that he had very responsible and laborious duty to perform. Notices of all kinds given out in very bad writing were showered down upon him, and he had to arrange them for printing and so on. During the recess he had always to be at his post to receive and answer enquiries from members from all parts of the country, and it was right that he should receive the addition of £50 to his salary. If reports of Committees were not satisfactory, they should be sent back.²⁸

MR. WILSON would not impugn the Report of the Committee, as it had been sanctioned in its appointment by Mr. Speaker and the clerk of the House; but if Mr. Spink's case had been overlooked by them, the report should be recommitted.²⁹

MR. SICOTTE the SPEAKER said it was not for him or the clerk to have anything to say to the report. Mr. Spink pretended that his claim had not been duly presented before the committee, and there was nothing to prevent (sic) the matter being brought before the House.³⁰

MR. WILSON would vote for the recommitment of the report.³¹

MR. PRES. EX. COUN. MACNAB.--The House had thrown upon the Committee a very disagreeable duty in considering the increase of Clerks' salaries. The Committee had taken a great deal of trouble to make their report and to do justice to all parties. If the House referred this report back to the Committee, it was possible that they might not report again until after the adjournment. He knew certain Clerks, who, if he had been on the Committee, would have recommended themselves to him for advancement of salary by years of long service or ability. He thought the best plan was to adopt the report at once. It did not prevent the Committee making a second report if they considered that injustice had been done to any individual.³²

MR. STEVENSON would adopt the report as it stood.³³

MR. LORANGER said he would withdraw his motion, and if the House allowed him to do that he should take it as a desire upon their part to recognise Mr. Spink's claim for an increase of salary, which he, Mr. Loranger, believed he was entitled to.³⁴

MR. J.S. MACDONALD, (Glengary) referred to Mr. Spink's assiduity and zeal, and was much displeased at the remarks of Mr. Lyon. He (Mr. M.) agreed to let this report stand, and the committee could upon reconsideration report again.³⁵

The motion of MR. LORANGER was withdrawn by him upon the understanding first stated.³⁶

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The House proceeded accordingly to take the said Report into consideration. And the same being again read;

Resolved, That this House doth concur with the Committee in the said Report.

On motion of MR. TERRILL,³⁷

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The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Saint Francis Bank;

MR. TERRILL said he was disposed to adopt the suggestions made last night by the Inspector General, and³⁸ stated that he would consent to what he understood to be the admendments (sic) required by the government, namely, to have £20,000 of paid up capital before commencing business³⁹, the double liability clause, ... the limitation clause as to the time for the subscription of stock⁴⁰, and to pay up £100,000 in five years.⁴¹ Having made these amendments in his Bill, he trusted there would be no difficulty in carrying it.⁴²

MR. BROWN wished to suggest a course by which a good deal of discussion might be saved, much time having already been lost on this Bill. It was quite clear that if this Bill was passed, creating a Bank with a capital of £20,000, they would have their table in February groaning under the weight of similar applications from all parts of the country.⁴³ [He] and others contended that it would be dangerous to give a charter to a bank on such a small capital⁴⁴. If they once set the example of establishing banks of this sort, it was evident they must follow it out, and he thought it was a course which should not be entered upon without the very fullest consideration. He would therefore suggest that the Committee rise, report progress, and ask leave to sit again, and that the Bill meanwhile be sent to a Select Committee, to consist of the Inspector General, the hon. Mr. Hincks, Mr. Holton, Mr. Galt, and Mr. Terrill, to consider the subject fully, and to report to this House. (Hear, hear.)⁴⁵

MR. HINCKS who had not been in the House on the previous occasion asked if he were really to understand that⁴⁶ this Bill ... [proposes], as the hon. member for Lambton says,⁴⁷ to give a bank a charter, to do business on a paid up capital of £20,000, and only be compelled to pay £100,000 up in five years?⁴⁸

MR. BROWN.--Certainly! the original proposal was £10,000.⁴⁹

MR. HINCKS.--£20,000!⁵⁰

MR. TERRILL was disinclined to accept the proposition of the hon. member for Lambton. The argument of that hon. member was, that, if this Bill passed, the table of the House would be loaded with similar applications from twenty different

districts. But what would that prove, but that there were twenty districts in the country which needed similar accommodation. He hoped, therefore, that the House would either pass the Bill or reject it on its own merits. It was a question which might as well be decided now as hereafter. In reply to the hon. member for Renfrew, he would say that the bank proposed to go into business with £20,000 of paid up capital, and to go on increasing it as fast as they could.⁵¹

MR. J.S. MACDONALD (Glengary) said the Government last night objected to so small a capital as £10,000. Were the House to understand that the Government acceded to the present proposition, and that they would be satisfied with £20,000 of paid up capital. The Government ought to assume at once the responsibility of fixing the minimum limit to be assigned to such institutions. He (Mr. Macdonald) was not in favour of the present bill. Why did not its promoters avail themselves of the free banking system, under which they could commence with a paid up capital of £25,000, invested in Provincial securities?⁵²

MR. HINCKS did not believe that a question of graver importance than the present had come before the House this session⁵³ and asked the government to pause before they decided it in the affirmative. To do so he firmly believed would be to sanction a most dangerous principle⁵⁴. Other questions of high political importance, important as they were, might have been postponed without any serious detriment to the interests of the country, but in the present case, if they took a false step, the consequences would be most serious.⁵⁵ He thought the consideration of a matter so important should be put off till after the recess.⁵⁶ If they were to give a charter to one bank, with a capital of 100,000 dollars, a similar privilege must be granted to every county throughout the whole extent of Canada--and he was perfectly certain that the House was not prepared for that. It would be in the highest degree dangerous and imprudent for the House to grant charters of that kind. In regard to the present application,⁵⁷ he did not believe that any such sum could be subscribed in the Eastern Townships⁵⁸. In the locality for which this bank was asked, there were not persons able to lend money for banking purposes⁵⁹, and the manner in which the applicants for this charter came down, proved that they wanted to borrow not to lend.⁶⁰ He did not believe that in that part of the country £200,000 could be invested in a bank, because he was perfectly certain that there was no such surplus capital to invest, and it would be with the greatest difficulty that they could even raise the £20,000 with which the bank was to start. There might be wealthy farmers in the district, but it was not to be expected that they would sell their farms, and dispose of other investments, in order to invest all their property in the bank, and he doubted very much whether capital could be found for it elsewhere. It was no argument that, because they had given an increase of capital to chartered banks which had been many years in existence, with a paid up capital of a million in some cases, and half a million in others, that therefore they should enable persons to go into Banking with the very insufficient capital of £20,000.⁶¹ No men should undertake the business of banking of all others without ample means. £200,000 ought to be the lowest sum for which a bank should be chartered⁶². It might be different, if the whole £200,000 were subscribed at once, of which 10 per cent. should be paid up before commencing business, and the remainder in instalments of 10 per cent. payable at intervals not exceeding 60 or 90 days. But if the £200,000 capital was a mere fiction, and was not to be paid at all, then he believed that in passing this Bill they would be sanctioning a principle most dangerous to the interests of the country, and he entreated the House to pause before entering on such a course.⁶³

MR. FELTON said it was amusing to hear the honorable member, talk of the Eastern Townships⁶⁴. The hon. member for Renfrew must have been in total ignorance⁶⁵, as was proved by his remarks⁶⁶, when he spoke of the people of the eastern townships as if they were a parcel of beggars.⁶⁷ The honorable member was also inconsistent; a short time ago he was the strong advocate of the Free Banking system, and now he found that that was a failure.⁶⁸ He was not disposed to attach much weight in this matter to the views of that hon. member, whose own pet banking scheme had turned out a bubble, as everyone beforehand knew that it would.⁶⁹ Mr. Fulton (*sic*) also taunted Mr. Hincks with assuming to speak for the government.⁷⁰ It was not the hon. member for Renfrew, but the Government, who were to regulate this question, and the Government last night had stated their willingness to allow the establishment of small banks with paid up capitals of £20,000.⁷¹

MR. YOUNG wished to know if the Government were in favor of a principle which would speedily pour a flood of small Banks all over the country.⁷² [He] admitted that the Eastern Townships were one of the richest portions of the Province; but he⁷³ was himself utterly opposed to⁷⁴ the system of establishing small banks.⁷⁵

MR. MACKENZIE contended that the bill was but an extension of the present system, and could not consistently be refused.⁷⁶

MR. INSP. GEN. CAYLEY thought that he had been misunderstood in respect to this bill⁷⁷. [He] repeated the statement he had made last night, that he would not object to the Bank going into operation so soon as £100,000 were subscribed, and £20,000 paid up. He was not prepared to advocate small Banks, but this was one which proposed to have a capital of £250,000, which he did not consider out of the way when he looked back to the circumstances of the Commercial Bank starting with a capital of £100,000, and the amount subscribed £40,000. In regard to the period for paying instalments, however, he had not been able to persuade the hon. member for Stanstead to adopt the phraseology of the other banks, and he should therefore now leave him to explain what course he intended to take.⁷⁸ He suggested that the hon. member had better further postpone the consideration of it.⁷⁹

MR. TERRILL spoke at some length in review of the objections raised against his bill, and told Mr. Hincks that he must not judge the Eastern Townships by some of the specimens that they had sent to Parliament. He (Mr. T.) asserted that there were persons there who had money to lend, and for the (*sic*) purpose desired the establishment of a Bank. As to the objections that had been raised of the smallness of the capital of the bank that he desired to establish, he would state that the Upper Canada Bank commenced on £10,000, and the Quebec Bank commenced with a very small sum. All the banks had increased, and they had done so under the fostering care of the government and the legislature, until they had obtained such an influence that they now controlled both the government and the legislature. He asked if that kind of monopoly was for ever to be tolerated? Or if the hon. member for Lambton, who made such loud professions of liberality, and of opposition to monopolies, should now be the champion of this monopoly. He regretted the position he had put the hon. member for Lambton in, of making him oppose this session that which he had supported the last. He concluded by saying that he could not force his views upon the Legislature against its will; and all that he could do now was to put himself in the hands of the government, and he did so with the full conviction that he had made out a case.⁸⁰ He said that after the expression which had been given of the sense of the House on the subject, he should withdraw the bill for the present, by moving that the committee rise, report progress and ask leave to sit again.⁸¹

MR. BROWN again urged the propriety of sending the bill to a Select Committee.⁸²

MR. TERRILL could not see any benefit likely to arise from that course, especially as the members named to compose the committee were hostile to the principles of his bill.⁸³

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Papin reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow.

The Order of the day for the third reading of the Bill to amend the several Acts incorporating the City Bank, and to add to its Capital Stock, being read;

Mr. Holton moved, seconded by Mr. Antoine Aimé Dorion, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Brodeur, Brown, Cartier, Cauchon, Cayley, Chapais, Chisholm, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Hartman, Hincks, Holton, Jackson, Labelle, Larwill, LeBoutillier, Lyon, Macbeth, John S. Macdonald, Roderick McDonald, Marshall, Muller, Meagher, Mongenais, Morin, Niles, O'Farrell, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibault, Wright, and Young.--(61.)

NAY.

Monsieur Mackenzie.--(1.)⁸⁴

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holton do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to extend to Lower Canada the provisions of the Act to establish a Standard Weight for the different kinds of Grain, Pulse, and Seeds in Upper Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Mongenais do carry the Bill to the Legislative Council, and desire their concurrence.

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The Order of the day for the third reading of the ... Bill to amend the Charter and increase the Capital Stock of the Bank of Montreal, being read;

Mr. Holton moved, second[ed] by Mr. Antoine Aimé Dorion, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Brodeur, Brown, Cartier, Cauchon, Cayley, Chapais, Chisholm, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Hartman, Hincks,

Holton, Jackson, Labelle, Lamont, Lehoultier, Lyon, Macketh, J. J. MacDonald, Roderick McDonald, Mercier, Mulline, Munroe, Murphy, Niles, O'Farrell, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Arthur E. Spence, Stevenson, Taché, Terrill, Thibaudeau, Wright, and Young.--(61.)

NAY.

Monsieur Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to amend the Acts relating to the Grand Trunk Railway Company of Canada, being read;

Mr. Cartier moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be now read the third time;

MR. MERRITT wished to move an amendment, to prevent any obstruction to the navigation of St. Lawrence by the Victoria Bridge, the plans of which only gave a height of 60 feet, while the height of the Menai Bridge was 100 feet, and many similar great works, where such a height would be inconvenient, were compelled to have draw bridges. He regretted to see that the whole policy of the country was turned into railroads, while they neglected a navigation of which there was not the equal on the continent of America. In a few years they would have every impediment to the navigation of the St. Lawrence removed, and steamers and vessels would be coming down from Lake Superior to the ocean. Were they to have such a navigation as that obstructed by a paltry railroad? He begged to move, --"That the following clause be added to the said Bill:--Whereas the second clause of the Act 16 Vic. cap. 75, provides that the free navigation of the River St. Lawrence shall not be obstructed; and whereas from the Plans then published, 102 feet was represented to be the required height; be it therefore enacted, that in case the height above the River now named in the contract with Messieurs Peto and Company, should prove insufficient, after the obstructions in the River St. Lawrence shall have been removed so as to admit of the passage of vessels drawing ten feet of water, the said Grand Trunk Railway Company, shall, at their own cost and charges, construct a good and sufficient Draw-Bridge, any order of the Governor in Council to the contrary notwithstanding."⁸⁵

MR. HINCKS said the Act of Parliament declared that the navigation of the St. Lawrence should not be obstructed by the bridge, and as a matter of course, if any case of obstruction could be made out, it would be for the Courts to determine what should be done.⁸⁶

MR. FERRES said that if the height were fixed at 60 feet, the Courts would have to interpret the meaning of an obstruction in connection with that circumstance.⁸⁷

MR. CARTIER replied that that argument would not hold, as no height was mentioned in the Act.⁸⁸

MR. HINCKS thought the navigation was sufficiently protected by the original charter, and he could not see the fairness or justice of introducing a provision not required in that charter.⁸⁹

MR. J.S. MACDONALD of Glengary said the whole Province was interested in the navigation of the St. Lawrence, and in seeing that that great thoroughfare was

unimpeded by any Act of this House. He could not understand what harm there would be in adopting this provision as an additional safeguard to what was contained in the original charter.⁹⁰

MR. AT. GEN. J.A. MACDONALD opposed the amendment. A charter, he said, had been granted to the Company, and it would be very improper to alter it. Besides, the plans had to be submitted to the Government, who could decide whether the navigation was likely to be impeded or not.⁹¹

MR. BROWN thought there was no argument in saying that this provision would interfere with the original charter. If an error had been committed, the sooner they rectified it the better. Better make the alteration when only £200,000 had been spent, than when two millions had been spent on the bridge. The hon. Attorney General said that a sufficient protection was afforded by the provision that the plans must be laid before the Government, and receive their sanction. This was an argument which told just the other way, for the position taken up by the hon. member for Montreal was that those plans had been placed before the government, and that the government had failed to protect the navigation, which would necessarily be obstructed if those plans were carried out. If it was found afterwards that the company had impeded the navigation, the reply would be that they had acted under the authority of the Governor in Council, and the damages would fall to be borne by the Province.⁹²

MR. AT. GEN. J.A. MACDONALD.--The proviso that there shall be no obstruction of the navigation over-rides everything else, even the sanction of the Governor in Council.⁹³

MR. BROWN said that, even if that argument were well founded, it would only apply to the navigation as it is now--it would not apply to the navigation as it might be in future after improvements had been made on it. He was not in a position to judge whether the estimate of the honorable member for Lincoln and the honorable member for Montreal (Mr. Young) was correct, but it was clearly a matter of the very greatest importance to the commercial interests of the country, that the facts on this subject should be well ascertained. The present case afforded an illustration of the evils of the legislation they sometimes indulged in, when they committed to the Governor in Council the decision of matters of such weighty importance as this.⁹⁴

MR. AT. GEN. J.A. MACDONALD bowed assent.⁹⁵

[MR. BROWN].--He saw that the honorable Attorney General agreed with him. It was a pity he should not have observed the same principle in the Clergy Reserve Bill. (Hear, hear.)⁹⁶

MR. HOLTON said that no schooners with cargoes ever passed down the Lachine Rapids. Some years ago, boats drawing five or seven feet of water had been passed down, but subsequently the canal tolls were reduced, and the disasters resulting from the navigation of the rapids were such that the attempt was abandoned, and during the last five or six years he was not aware that there had been any navigation of them, except by passenger steamers, for which the height of the bridge would be quite sufficient. He believed that schooners would never under any possible circumstances be able to pass down the rapids.⁹⁷

MR. YOUNG said that in 1847, it was confidently stated that there were only six feet of water between Laprairie and Montreal. Now it was found that there was a good channel of 20 feet all the way down from the Lachine Rapids. That circumstance showed how great a change might take place in opinions on such matters in a very short time.⁹⁸

MR. BROWN said he was disposed to attach the very greatest weight to what had fallen from the honorable member for Montreal, (Mr. Holton), but similar statements had been made some years ago in reference to the Long Sault; people thought then that it was quite impossible to go down that Sault, but now it was found to be quite a navigable channel. Even if honourable gentlemen were correct in their views, there could be no harm in adopting the clause, for if the navigation never could be improved to the extent supposed, the Bridge could not impede it.⁹⁹

MR. HINCKS.--It will stop the Bridge. That's all.¹⁰⁰

MR. HOLTON said the height now contemplated was 60 feet. The bridge being two miles long, that would be a grade of 40 or 50 feet, and each additional foot of height would add another foot to the grade. He thought it must be obvious that a higher grade than 40 feet to a mile in crossing a structure of that sort would be fatal to its safety.¹⁰¹

MR. BROWN.--The hon. member for Lincoln does not ask that the piers shall be heightened, but that a draw-bridge shall be constructed in its centre.¹⁰²

MR. HOLTON.--That is entirely inconsistent with the plan of the bridge.¹⁰³

MR. BROWN said that, if it should turn out that in order to maintain the beautiful appearance of the bridge according to one particular plan, the navigation of the St. Lawrence had been sacrificed, it would be [a] matter for deep regret. If it was ever found practicable to float down from the Upper Lakes, sea-going vessels, too large to pass through the canals, they would have cause very deeply to regret having stopped the way by this bridge.¹⁰⁴

MR. INSP. GEN. CAYLEY said they should take the navigation of the River as they found it now, and neither by steam nor wind was it practicable to take large vessels down those rapids. The channel was so winding, that it was impossible to shift the sails with sufficient rapidity, and the same objection applied to a tow-boat, as either it or the vessel it towed could not but be drawn out of its course, and one or other would be wrecked.¹⁰⁵

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The Honorable Mr. Merritt moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by adding the following Clause thereto: 'Whereas the second Clause of the Act 16 Vic. c. 75, provides that the free navigation of the River St. Lawrence shall not be obstructed; and whereas from the Plans then published, one hundred and two feet was represented to be the required height: Be it therefore enacted, that in case the required height above the River now named in the contract with Messieurs Peto and Company, should prove insufficient after the obstructions in the River St. Lawrence shall have been removed so as to admit of the passage of vessels drawing ten feet of water, the said Grand Trunk Railway Company shall, at their own cost and charges, construct a good and sufficient draw-bridge, any Order of the Governor in Council to the contrary notwithstanding'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Aikins, Brown, Chisholm, Darche, DeWitt, Flint, Frazer, Hartman, John S. Macdonald, Mackenzie, Marchildon, Mattice, Merritt, Wright, and Young.--(15.)

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NAYS.

Messieurs Alleyn, Bell, Bellingham, Brodeur, Burton, Cartier, Cauchon, Cayley, Chapuis, Chaubau, Crawford, Charles Daoust, Jean L. Daoust, Dionne, Antoine A. Dorion, Ferres, Foley, Octave C. Fortier, Fournier, Hincks, Holton, Jackson, Laballe, Langton, Loranger, Lyon, Macbeth, Attorney General Macdonald, Mcagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Mumay, Niles, O'Farrell, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, and Thibault. --(55.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

MR. FERRES called the attention of the house to the danger of a collision between the cars of the Grand Trunk and Lachine Railroads, which crossed each other at a dead level. He considered it the duty of the government to protect the public in a matter of this sort.¹⁰⁶

MR. HOLTON thought the point raised was one to be provided for in the General Railway Act. In the present case, it would not be a mat[ter] of practical concern for a considerable period, as it would be some time before the railway would go into operation.¹⁰⁷

MR. HINCKS said he should take care that the attention of the Chief Engineer of the Company was directed to the subject.¹⁰⁸

MR. CARTIER admitted there was force in the suggestion of Mr. Ferres, but did not think his amendment should then be carried¹⁰⁹.

MR. FERRES then moved, that the following clause be added to the bill, and do stand on the 30th clause thereof:--And be it enacted, that at the point where the Grand Trunk Railway shall cross the track of the Montreal and New York Railway, the said crossing shall be effected by the track of the said Grand Trunk Railway being so laid, as to be not less than seventeen feet above the track of the said Montreal and New York Railway.¹¹⁰ He put that amendment out of no feeling of hostility to the Grand Trunk Company, but only as a protection of life from accidents. It was clear from many trains passing a day, very great danger of collision would occur, and after the recent frightful loss of life on railways, it behoved them to take precautions.¹¹¹

MR. HINCKS after consulting with some person said that railways often crossed on a level in England and that protection was found for the public in a well arranged system of signals. It would be a serious inconvenience now to make the company alter their grades.¹¹²

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Mr. Ferres moved in amendment to the Question, seconded by Mr. Chisholm, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by inserting the following Clause after the 30th Clause thereof: 'And be it enacted, That at the point where the said Grand Trunk Railway shall cross the track of the Montreal and New York Railway, the said crossing shall be effected by the track of the said Grand Trunk Railway being so laid as to be not less than seventeen feet above the track of the said Montreal and New York Railway'" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

MR. BROWN said he did not desire to renew the discussion on the principle of the bill. All that he and his friends required was to have the yeas and nays taken upon it. There was one practical matter, however, which he wished to bring under the notice of the House--the amount of the fare that was to be charged on one part of the road. It had been announced that for the 170 miles between Quebec and Montreal, the fare would be eight dollars, besides ferriage. Now it would be in the recollection of many honourable members that after a long and severe contest they had got the maximum rate for the Grand Trunk Railway fixed at two pence per mile for first-class passengers, three-half pence for second class, and a penny for third class, which for 170 miles would be only \$5.66, \$4.25, and \$2.83, for first, second, and third class respectively, instead of \$8 as proposed, and he believed an additional charge for the ferries besides. He understood the company intended to take shelter under the original charter given to the Quebec and Richmond Road; but even that would not avail them, for it provided that a scale of prices should be made by the company, and submitted to the Government for their approval. He wished to know then whether it was with the consent of the Government that the fare was fixed at \$8 ... ? He did not believe that on the whole continent of America another road could be found, where such a fare was imposed.¹¹³

MR. CARTIER explained the provisions of the Acts bearing on the subject, and stated that on the Quebec and Richmond Road the fares had to be sanctioned by the Governor in Council, but that on the Grand Trunk proper no higher fares could be charged than those mentioned by the hon. member for Lambton.¹¹⁴

MR. INSP. GEN. CAYLEY said the Government would not allow a higher rate to be imposed than two pence a mile.¹¹⁵

MR. BROWN.--The assurance of the Inspector General is perfectly satisfactory.¹¹⁶

MR. MACKENZIE said the hon. member for Lambton deserved great credit for having brought the matter forward.¹¹⁷

MR. BROWN, to set the matter at rest, begged to move the following amendments, which he hoped honourable gentlemen opposite would be ready to accept at once:--

"That the following clause be added to the said bill:--And be it enacted, That notwithstanding any provision to the contrary in any Act of incorporation for any section of the said railway, it shall not be lawful for the Grand Trunk Railway Company to charge as fare for any first class passenger passing over any portion of the said railway or any of its branches, a greater rate than two pence currency for each mile travelled, or for any second class passenger more than one penny and one half-penny per mile, or for any third class passenger more than one penny per mile, and at least one train having in it third class passengers shall run every day throughout the length of the line;"¹¹⁸

MR. HINCKS.--It is an interference with the charter.¹¹⁹

MR. BROWN.--The whole of this Bill is an interference with the charter. The amendment merely asks the House to say that that shall be done, which the Government already have power to enforce if they see fit.¹²⁰

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Merritt, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by adding the following Clause thereto: 'And be it enacted, That notwithstanding any provision to the contrary in any Act of incorporation for any section of the said Railway, it shall not be lawful for the Grand Trunk Railway Company to charge as fare for any first class passenger passing over any portion of the said Railroad or any of its branches, a greater rate than two-pence currency for each mile travelled, or for any second class passenger more than one penny half-penny per mile, or for any third class passenger more than one penny per mile; and at least one train having in it third class carriages shall run every day throughout the length of the line'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Flint, Fraser, Hartman, Jackson, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mittie, Merritt, Murney, O'Farrell, Powell, Wright, and Young.--(20.)

(393-394)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Brodeur, Burton, Cartier, Cauchon, Cayley, Chapais, Chauven, Crawford, Jean B. Daoust, Dionne, Attorney General Drummond, Ferres, Fournier, Hinks, Labelle, Loranger, Lyon, Macbeth, Attorney General Macdonald, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Niles, Patrick, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Taché, and Thibaudeau.--(41.)

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So it passed in the Negative.

Then the main Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Bell, Bellingham, Brodeur, Burton, Cartier, Cauchon, Cayley, Chapais, Chauven, Crawford, Charles Daoust, Jean B. Daoust, DeWitt, Antoine A. Dorion, Attorney General Drummond, Ferres, Fournier, Hinks, Jackson, Labelle, Langton, Loranger, Lyon, Macbeth, Attorney General Macdonald, Mittie, Meagher, Mongenais, Morin, Joseph C. Morrison, Angus Morrison, Murney, Niles, Patrick, Poulin, Prilliot, Powell, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Southwick, Spence, Stevenson, Taché, and Terrill.--(52.)

NAYS.

Messieurs Brown, Chisholm, Darche, Flint, Fraser, Hartman, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Merritt, O'Farrell, Wright, and Young.--(14.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartier do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Montreal Ocean Steam Ship Company was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to increase the Capital Stock of the Commercial Bank of the Midland District, being read;

Mr. Holton moved, seconded by Mr. Antoine Aimé Dorion, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

(394-395)

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Brodeur, Brown, Cartier, Cauchon, Cayley, Chapais, Chisholm, Cook, Crawford, Charles Daoust, Jean F. Daoust, Darhe, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drommond, Falton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Hardman, Hinks, Holton, Jackson, Labelle, Larnall, LeBoutillier, Lyon, Macbeth, John S. MacDonald, Roderick McDonald, Marchildon, Maitice, Meagher, Mongenais, Morin, Niles, O'Farrell, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Wright, and Young.--(61.)

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NAY.

Monsieur Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize an addition to the Capital Stock of the Commercial Bank of the Midland District, and to facilitate the transfer of Shares in certain cases."

Ordered, That Mr. Holton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to increase the Capital Stock of the Bank of Upper Canada, being read;

Mr. Holton moved, seconded by Mr. Antoine Aimé Dorion, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Brodeur, Brown, Cartier, Cauchon, Cayley, Chapais, Chisholm, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darhe, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drommond, Falton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Hardman, Hinks, Holton, Jackson, Labelle, Larnall, LeBoutillier, Lyon, Macbeth, John S. MacDonald, Roderick McDonald, Marchildon, Maitice, Meagher, Mongenais, Morin, Niles, O'Farrell, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Wright, and Young.--(61.)

NAY.

Monsieur Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize an addition to the Capital Stock of the Bank of Upper Canada, and to facilitate the transfer of Shares in certain cases."

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Ordered, That Mr. Holton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to increase the Capital Stock of La Banque du Peuple, and for other purposes, being read;

Mr. Antoine Aimé Dorion moved, seconded by Mr. Holton, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Brodeur, Brown, Cartier, Cauchon, Cayley, Chapais, Chisholm, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Hartman, Hincks, Holton, Jackson, Labelle, Larwill, LeBoutillier, Lyon, Macbeth, John S. Macdonald, Roderick McDonald, Marchildon, Mattice, Meagher, Mongenais, Morin, Niles, O'Farrell, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Wright, and Young.--(61.)

NAY.

Monsieur Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Antoine Aimé Dorion do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to authorize an addition to the Capital Stock of the Quebec Bank, and for other purposes relative to the said Bank, being read;

Mr. Alleyn moved, seconded by Mr. Solicitor General Ross, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

(396-397)

YEAS.

Messieurs Aikins, Alleyn, Bell, Bourassa, Brodeur, Brown, Cartier, Cauchon, Cayley, Chapais, Chisholm, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Dionne, Antoine A. Dorion, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Hartman, Hincks, Holton, Jackson, Labelle, Larwill, LeBoutillier, Lyon, Macbeth, John S. Macdonald, Roderick McDonald, Marchildon, Mattice, Meagher, Mongenais, Morin, Niles, O'Farrell, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Wright, and Young.--(61.)

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NAY.

Monsieur Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Alleyn do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Brown moved, seconded by Mr. Mackenzie, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brodeur, Brown, Cauchon, Chisholm, Charles Daoust, Jean B. Daoust, Darche, DeWitt, Antoine A. Dorion, Octave C. Fortier, Fournier, Hartman, Labelle, Attorney General Macdonald, Mackenzie, Marchildon, Mullins, Mongenais, Morin, O'Farrell, Solicitor General Ross, James Smith, Spence, and Wright.--(24.)

NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Attorney General Drummond, Ferres, Holton, Langton, Lyon, Macbeth, Angus Morrison, Niles, Patrick, Leblin, Powell, Rankin, Rhodes, Robinson, James Ross, Solicitor General Smith, Sibon, Smith, Southwick, and Young.--(23.)

So it was resolved in the Affirmative.

And the House adjourned accordingly.

FOOTNOTES: 23 NOVEMBER 1854.

1. GLOBE, 4 December 1854 (in Scrapbook Hansard).
2. GLOBE, 4 December 1854 (in Scrapbook Hansard), reports that Mr. Brown spoke before Mr. Chisholm's amendment, while Mr. A. Dorion and Mr. Merritt spoke after. MORNING CHRONICLE, 27 November 1854, notes that Mr. Brown, Mr. A. Dorion and Mr. Merritt all spoke before Mr. Chisholm's amendment.
3. Telegraph (MONTREAL GAZETTE; 24 November 1854).
4. GLOBE, 4 December 1854 (in Scrapbook Hansard).
5. MORNING CHRONICLE, 27 November 1854.
6. GLOBE, 4 December 1854 (in Scrapbook Hansard).
7. MORNING CHRONICLE, 27 November 1854.
8. GLOBE, 4 December 1854 (in Scrapbook Hansard).
9. MORNING CHRONICLE, 27 November 1854.
10. GLOBE, 4 December 1854 (in Scrapbook Hansard). MORNING CHRONICLE, 27 November 1854, notes that he recorded his vote against the bill, for settling the Reserves in 1849.
11. QUEBEC GAZETTE, 25 November 1854 notes: "The announcement of the decision was received with clapping of hands and loud cheering."
12. MONTREAL GAZETTE, 29 November 1854. MORNING CHRONICLE, 27 November 1854, records Mr. Rankin's speech at the end of the report, after all the amendments were moved.
13. GLOBE, 4 December 1854 (in Scrapbook Hansard).
14. IBID.
15. MORNING CHRONICLE, 27 November 1854.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. MONTREAL GAZETTE, 29 November 1854.
22. MORNING CHRONICLE, 27 November 1854.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. MONTREAL GAZETTE, 29 November 1854.
30. MORNING CHRONICLE, 27 November 1854.
31. IBID.
32. MONTREAL GAZETTE, 29 November 1854.
33. MORNING CHRONICLE, 27 November 1854.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. GLOBE, 4 December 1854 (in Scrapbook Hansard).
39. MORNING CHRONICLE, 27 November 1854.
40. GLOBE, 4 December 1854 (in Scrapbook Hansard).
41. MORNING CHRONICLE, 27 November 1854.
42. GLOBE, 4 December 1854 (in Scrapbook Hansard).
43. IBID.
44. MORNING CHRONICLE, 27 November 1854.

45. GLOBE, 4 December 1854 (in Scrapbook Hansard).
46. MORNING CHRONICLE, 27 November 1854.
47. GLOBE, 4 December 1854 (in Scrapbook Hansard).
48. MORNING CHRONICLE, 27 November 1854.
49. GLOBE, 4 December 1854 (in Scrapbook Hansard).
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. MORNING CHRONICLE, 27 November 1854.
55. GLOBE, 4 December 1854 (in Scrapbook Hansard).
56. MORNING CHRONICLE, 27 November 1854.
57. GLOBE, 4 December 1854 (in Scrapbook Hansard).
58. MORNING CHRONICLE, 27 November 1854.
59. GLOBE, 4 December 1854 (in Scrapbook Hansard).
60. MORNING CHRONICLE, 27 November 1854.
61. GLOBE, 4 December 1854 (in Scrapbook Hansard).
62. MONTREAL GAZETTE, 29 November 1854.
63. GLOBE, 4 December 1854 (in Scrapbook Hansard). MORNING CHRONICLE,
27 November 1854, reports that the 10 per cent of the £200,000 should be
paid up on the granting of the charter and the remainder paid within 60 days.
64. MORNING CHRONICLE, 27 November 1854.
65. GLOBE, 4 December 1854 (in Scrapbook Hansard).
66. MORNING CHRONICLE, 27 November 1854.
67. GLOBE, 4 December 1854 (in Scrapbook Hansard).
68. MORNING CHRONICLE, 27 November 1854.
69. GLOBE, 4 December 1854 (in Scrapbook Hansard).
70. MORNING CHRONICLE, 27 November 1854.
71. GLOBE, 4 December 1854 (in Scrapbook Hansard).
72. IBID.
73. MORNING CHRONICLE, 27 November 1854.
74. GLOBE, 4 December 1854 (in Scrapbook Hansard).
75. MORNING CHRONICLE, 27 November 1854.
76. IBID.
77. IBID.
78. GLOBE, 4 December 1854 (in Scrapbook Hansard).
79. MORNING CHRONICLE, 27 November 1854.
80. IBID.
81. GLOBE, 4 December 1854 (in Scrapbook Hansard).
82. IBID.
83. IBID.
84. Mr. Mackenzie in MACKENZIE'S WEEKLY MESSAGE, 8 December 1854, reports: "I
rose and proposed that those Banks [the City Bank, the Bank of Montreal, the
Commercial Bank of the Midland District, the Bank of Upper Canada, La Banque
du Peuple, and the Quebec Bank] should not be allowed to deal in, and specu-
late upon their own capital stock respectively, but that the new stock, which
is to be payable in only small instalments of five or ten per cent, so that
the initiated may be able to borrow enough from the Bank to pay their instal-
ments, and thus become stock holders, upon credit, but such was the power of
the Banks, logrolling for pelf, and only represented by jobbers, contractors
(sic), bank attorneys, bank presidents, directors and stock holders in the
legislature, that no member ventured to second my motion."
85. GLOBE, 4 December 1854 (in Scrapbook Hansard).

86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. MORNING CHRONICLE, 27 November 1854.
110. GLOBE, 4 December 1854 (in Scrapbook Hansard).
111. MORNING CHRONICLE, 27 November 1854.
112. IBID.
113. GLOBE, 4 December 1854 (in Scrapbook Hansard).
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.

FRIDAY, 24 NOVEMBER 1854.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Church,--The Petition of John S. French and others, of certain Lots in the 1st Concession of the Township of Oxford, County of Grenville.

By Mr. James Smith,--The Petition of the Municipality of the Township of Mariposa; and the Petition of A.A. McLaughlin and others, of the Township of Mariposa.

By Mr. Mattice,--The Petition of Charlesville Division, No. 247, of the Order of the Sons of Temperance.

By Mr. Lumsden,--The Petition of Elizurd Hurd and others, of the Township of Whitby, County of Ontario.

By Mr. Jean Baptiste Daoust,--The Petition of Joseph Dorion and others, of the County of Two Mountains.

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By Mr. Cartier,--The Petition of Joseph Menard and others, of the Parish of St. Athanase.

By Mr. Valois,--The Petition of H. Taylor and others, Trustees of the Montreal Turnpike Roads.

By Mr. Cauchon,--The Petition of J.C. Chapais, Esquire.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the County of Elgin; praying for certain amendments to the Jurors Law Amendment Act of 1851, for Upper Canada.

Of Ira Schofield, of the Township of London; complaining that he has been deprived by Act of Parliament of certain Lands of which he had received a Location Ticket for a free Grant as the first Settler of the said Township, and praying to be restored to his former rights, or to receive compensation therefor in other Crown Lands.

Of Messieurs Gillespie, Moffatt and Company, and others, Merchants, Bankers, Traders, and others, of the City of Montreal; praying the adoption of certain measures for the prevention of Fires and the destruction and loss of property thereat, for ascertaining their causes, and for the taxing of damages in certain cases.

Of Roger Boivin and others, of the Township of Settrington, County of Saguenay; praying aid for the opening and construction of certain Roads in the said County.

Of Thomas Simard and others, of the Parishes of Mallaie, Ste. Agnès, Ste. Fidèle, St. Irénée, and of the Townships of Sales and Callières, County of Saguenay; praying for the establishment of two County Seats in the said County, to be used alternately, in order to provide for the inconvenience arising from the great extent of the said County.

Of Joseph Perron and others, of the Parish of St. Louis de l'Isle aux Coudres, County of Saguenay; praying aid for the construction of a Wharf at a place called La Prairie, in the said County.

Mr. Ferres moved, seconded by the Honorable Mr. Young, and the Question being put, That the Petition of Hammond Gowen Hall, of the Township of Leeds, County of Megantic, be referred to the Standing Committee on Contingencies;

MR. CHISHOLM said it was of no use, as the Committee had already reported on similar claims for the same thing and had referred them to the House.¹

MR. PRES. EX. COUN. MACNAB asked if the petitioner had been summoned by the Committee of the House, or by the commissioner who had taken the evidence.²

MR. FERRES explained that Mr. Hall was a Land Surveyor, and had been brought to Quebec away from his professional employment, by order of the Committee at a very bad season of the year, over bad roads, and had been detained there for several days and subjected to great expense.³

Several voices were raised calling on Mr. F. to withdraw and some to refer.⁴

MR. PRES. EX. COUN. MACNAB consented to its being referred, with a view to payment.⁵

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the House divided:--And it was resolved in the Affirmative.

Mr. Foley, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, informed the House, That upon the application of the Counsel for the Sitting Member, a delay for the period of three weeks was granted by the Committee, in order to allow the Sitting Member time to prepare his List of objected Voters; the said List, together with the List of the Petitioner, to be delelivered (sic) to the Chief Clerk of this House on or before the fifteenth day of December next.

Mr. Felton, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Bills, and have agreed to cerrtain (sic) amendments to each, which they beg to submit for the consideration of Your Honorable House:--

Bill to enable the Trustees and Members of Zion Church in Montreal, to alienate and hypothecate certain property of the said Church, and for other purposes:

Bill to authorize the Town of London to raise Sixty thousand pounds to consolidate the Debt of the Town, and for other purposes:

Bill to incorporate the Provident Life Assurance and Investment Company:

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Bill to authorize the County of Middlesex to negotiate a Loan of One hundred thousand pounds to consolidate the County Debt.

With respect to the last mentioned Bill, Your Committee would remark that though introduced under the title above given, its provisions empower the Municipal Council of Middlesex to raise One hundred and thirty thousand pounds, for the purpose indicated. Your Committee find, on reference to the Report of the Standing Committee on Standing Orders upon the Petition of the Municipal Council, that the Notice of the present measure advertized by the Petitioners referred to a sum of One hundred thousand pounds only, though the larger sum was inserted in the Petition; the Committee accordingly recommend a limitation of the amount to One hundred thousand pounds; and Your Committee have felt it their duty to amend the Bill by reducing the amount authorized to be borrowed under its provisions, to One hundred thousand pounds.

Your Committee have also examined the following Bills, and have agreed to report the same without amendment:--

Bill to incorporate the Toronto Exchange:

Bill to incorporate the Toronto Coal Company:

Bill to amend the Act to revive the Act authorizing the Inhabitants of the Seignior of Yanaska to regulate the Common of the said Seignior.

On motion of MR. SCATCHERD,⁶

(399)

Ordered, That the Bill to authorize the County of Middlesex to negotiate a Loan of One hundred thousand pounds to consolidate the County Debt, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the said Bill, as amended, be printed for the use of the Members of this House.

On motion of MR. WILSON,⁷

(399)

Ordered, That the Bill to authorize the Town of London to raise Sixty thousand pounds to consolidate the Debt of the Town, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the said Bill, as amended, be printed for the use of the Members of this House.

On motion of MR. A. DORION (Montreal),⁸

(399)

Ordered, That the Bill to enable the Trustees and Members of Zion Church in Montreal, to alienate and hypothecate certain property of the said Church, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

On motion of MR. J. MORRISON (Niagara),⁹

(399)

Ordered, That the Bill to incorporate the Provident Life Assurance and Investment Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

On motion of MR. SOL. GEN. D. ROSS,¹⁰

(399)

Ordered, That the Bill to incorporate the Megantic Mining Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for the next Sitting of the House.

On motion of MR. J. MORRISON (Niagara),¹¹

(399)

Ordered, That the Bill to incorporate the Toronto Exchange, be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Alleyn to have leave to bring in a Bill to provide for the relief of Bankrupts, and the administration of their Estates.

He accordingly presented the said Bill to the House, and the same was

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received and read for the first time; and ordered to be read a second time on Friday the twenty-fourth day of December next.

On motion of MR. J. MORRISON (Niagara),¹²

(400)

Ordered, That the Bill to incorporate the Toronto Coal Company, be committed to a Committee of the whole House, for Monday next.

On motion of MR. BROWN,¹³

(400)

Ordered, That the Petition of J.H. Glass, Chairman, and J.R. Gemmill, Secretary, on behalf of a public meeting of the inhabitants of the County of Lambton, be printed for the use of the Members of this House.

Sur motion de MR. GILL,¹⁴

(400)

Ordered, That the Bill to amend the Act to revive the Act authorizing the Inhabitants of the Seigniorie of Yamaska to regulate the Common of the said Seigniorie, be read the third time on Monday next.

Ordered, That the Return relative to Public Defaulters, which was presented on Tuesday last, be referred to the Standing Committee on Public Accounts.

Ordered, That Mr. Chisholm have leave to bring in a Bill to repeal certain Acts therein mentioned which provide for the amalgamation of Railway Companies, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Stevenson have leave to bring in a Bill to remove doubts respecting certain Marriages in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill to incorporate L'Hospice de St. Joseph de la Maternité de Québec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Chisholm have leave to bring in a Bill to restrain Railway Companies from carrying passengers for hire on their Roads, until the same or portions thereof are fully completed.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to amend the Law as to Dormant Equities.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Cauchon, seconded by Mr. Gill,

Ordered, That the Select Committee on the Lotbinière Election Petition have leave to adjourn until Tuesday next, at half-past Ten o'clock in the forenoon.

Ordered, That Mr. Dufresne have leave to bring in a Bill to establish Conciliation Courts, and to facilitate the settlement of Civil Actions by Arbitration in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

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Ordered, That Mr. Felton have leave to bring in a Bill to repeal the Acts providing for the incorporation of Joint Stock Companies for Mining, Manufacturing and other purposes, and to make other provisions for the same purpose.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the fifth day of January next.

Ordered, That Mr. Thomas Fortier have leave to bring in a Bill further to amend the Ordinance for the erection of Parishes and building of Churches in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. DeWitt have leave to bring in a Bill to repeal so much of any Law in force in Lower Canada as authorizes the sale of any property by the authority of Justice on Sundays.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to amend an Act, intituled, "An Act to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions, by providing a system for the registration of Voters."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That William Frederick Powell, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Mr. Powell do attend in his place in this House at the next Sitting thereof.

On motion of Mr. Sidney Smith, seconded by Mr. Aikins,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper Officer to lay before this House, a Return shewing the amount sold of Debentures of the Montreal Court House, how and to whom sold, at what rate, where, and when.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Scatcherd have leave to bring in a Bill to make the local Magistracy elective in Upper and Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the eighth day of December next.

Ordered, That Mr. Matheson have leave to bring in a Bill to require that all By-Laws of Township Councils in Upper Canada for raising money not required for the ordinary expenditure of such Townships, shall be approved by a majority

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of the Municipal Electors before they come into force, and for other purposes relating to Township Municipalities.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Robinson, seconded by Mr. Stevenson,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that a Copy of the Treaty or Treaties recently entered into with the Indians of Saugeen and Lake Huron, for the purchase of the Lands known as the Indian Reserve in that locality, be laid before this House.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Papin have leave to bring in a Bill to incorporate the Town of Sorel.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council request this House to give leave to Luther H. Holton, Esquire, one of their Members, to attend and give evidence before the Select Committee of the Legislative Council appointed to enquire into the accusations made against the Members of the late Administration.

And then he withdrew.

Resolved, That this House will send an answer to the said Message, by Messengers of their own.

And the Master in Chancery was called in, and Mr. Speaker acquainted him therewith.

And then he again withdrew.

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, That the several Acts regulating the Duties of Customs in this Province, and that part of the Speech of His Excellency the Governor General delivered from the Throne at the opening of the present Session, which relates to a revision of the Tariff, might be read; and the same being read;

The Honorable Mr. Cayley moved, seconded by Mr. Attorney General Macdonald, and the Question being proposed, That this House will immediately resolve itself into a Committee to consider the said Acts, and the propriety of making certain amendments thereto;

MR. INSP. GEN. CAYLEY.--In moving that the House resolve itself into a Committee to take into consideration certain resolutions affecting the Tariff,

begged the indulgence of the House while he offered some observations in reference to the reductions of duty which he proposed to make, and the mode in which he proposed to make those reductions.¹⁵ He was fully sensible, that in undertaking a modification of the existing tariff, even though the modification was to a limited extent, he was assuming a serious responsibility, that no imposition or removal of duties could take place without producing some corresponding effect upon the importations and trade of the country, and that when such changes affected the necessities of life, articles entering into the daily consumption of every household, it became a very grave matter of consideration in what mode and to what extent such changes should be carried out. The first point then which he should bring before the House was, the consideration, whether any diminution of the revenue and to what extent such diminution should be made under the present aspect of commerce, and the state of affairs in Europe. The second question was on what articles of import such reduction should be made, and lastly the mode of making the reduction. In order to furnish some safe ground on which a conclusion might be arrived at, [they must consider] how far the revenue would bear reduction without hazarding the efficiency of the public service, or imprudently reducing the resources of the country, at a time when the operations of trade were in a very unsettled condition, and when many entertained apprehensions, that they were about to witness, what might be called "very straightened times"--a tight money market, and limited commerce.¹⁶ Il veut, tout en regardant la probabilité d'une crise commerciale, attirer l'attention de la chambre¹⁷ to what appeared in the public accounts as the balance standing at the credit of the public chest at the commencement of the present financial year. That balance was £834,668 10s 5d. That return and the large amounts which had been spoken of in recent discussions, on the Bank question and public deposits, had led to the conclusion, that the Government had a very large sum in hand; that the chest was filled to overflowing, and consequently that very large reductions in the revenue could be made, without detriment to our credit, or the public service. Without doubt, the finances of the Province were in a very healthy condition, and he was of opinion that the revenues of the country would admit of some reduction even under the doubtful aspects which commercial affairs then presented, yet it would be his duty to shew that the large balance which stood at the credit of the consolidated fund at the beginning of the year was not an available balance, and the large sums spoken of as being distributed, amongst the several Banks, did not all belong to the public chest. From the sum already quoted, viz: £834,668 10s 5d. there should be taken, the sum of £24,333 6s. 8d. paid on the 1st April last to redeem sterling debentures, and the sum of £37,335 15s for Provincial debentures, redeemed during the course of the year.¹⁸ Ajoutez à cela £31,854 pour les dépenses d'émigration pendant l'année 1847, et £11,850 pour le rachat des débetures émises en faveur des victimes de l'incendie de Québec¹⁹ which had been defrayed by the Province, but which had not been carried to account as it was expected that these sums would be reimbursed from other sources. In addition, there was a reduction to be made of £32,218 8s. of unprovided items, and the sum of £330,080 19s 4d, being the aggregate balances of appropriations by votes of the House for the last three years, but as yet unexpended, but which the House would very clearly see, could not be dealt with as available for any purposes apart from their original appropriations. These various sums amounted together to £687,673 19s. 11d, leaving only the sum of £146,994 11s 4d undisposed of, of the balance standing at the credit of the public chest at the commencement of the financial year. He had not in the statement that he had just made to the House touched upon the revenue and expenditure of the current year owing to the

order in which the different important measures had been brought before the House, an order which he was justified in saying, was forced upon the Government by hon. gentlemen opposite, and particularly with regard to this very question of reduction of duty, the estimates for the year had not been brought down, and, in the absence of the sanction of the House for the expenditure on account of the public service and special demands, he was not prepared to hazard a conjecture of the probable balance or surplus that there would be at the credit of the public chest; but assuming that there would be a surplus revenue not less than there was upon the expenditure of 1853, he must call the attention of the House to the fact that provision had to be made for about half a million of debentures maturing in 1855, and he proposed to set apart the balance at the credit of the public chest at the commencement of the present financial year, after deducting the sums already quoted and the surplus revenue of the current year as a reserve fund for that purpose. He did not consider the course that he had thus pursued in leaving out the probable revenue and expenditure of the present year as at all calculated to embarrass the conclusion to which the committee was called upon to come, as it was not desirable to base any calculations for the reductions of the revenue upon the returns of any one year, and that an incomplete year, but rather on a series of years of which the House would find a comparative statement in the trade returns and the public accounts. The revenues from Customs showed a steady increase for the last four years, growing from half a million to a million; and this had lead many hon. gentlemen to the conclusion that they might calculate on the same progression for the future. No doubt they might safely calculate upon an increased demand for articles entering into the general consumption as the country grew in wealth and population, but it would not be safe to calculate upon an immediate increase upon the imports of any one selected year, and that a very prosperous year--as the previous for instance--as it might very probably happen that the imports arising from the general state of prosperity and facilities for obtaining credit would be in advance of and exceed the demand, and be consequently followed by reduced importations, particularly if accompanied with hard times.²⁰ Cela est d'accord avec ce qui arriva dans la période entre 1844 et 1848,²¹ the customs returns of 1844 were very large for those days, £429,722 exceeding the revenue of the previous year by upwards of £200,000, but from that period they gradually receded for the four following years, till they fell in 1848 to £304,358. Not to detain the House too long on this point, he would state that the reduction that he would submit to the Committee would be about £110,000, or about one-ninth of the customs revenue of 1853. The next point to which he would call the attention of the House was the mode in which he proposed to make the reduction, leaving the consideration of the articles on which the duty was made to the last. It was well known that he was an advocate for specific, in place of ad valorem duties, whenever the change could safely be effected. He was aware that opposite opinions were entertained on this subject, and that strong authority could be produced in opposition to his view, but he thought he could produce evidence to show that latterly the tide had turned strongly in favour of specific duties. He would read extracts from the petitions of the Boards of Trade for Quebec and Hamilton. The Quebec Board said, "Your petitioners have seen the resolutions to be moved in your honourable House, on the expediency of amending the customs duties acts, and observe with satisfaction the intention of fixing upon many articles a specific instead of an ad valorem duty." The Hamilton Board said, "Your petitioners would urge a reduction on sugar, tea, coffee and molasses, at least equivalent to the present specific duty on the several articles enumerated, whether the same be

levied by ad valorem or specific duties, the latter being considered by your petitioners the more advantageous principle both for the trade and the revenue." He thought that these two extracts were strongly indicative of the views of the commercial community here, especially as no views to the contrary effect had been brought by any commercial body before the House. But he thought that the opinions recently expounded in the British House of Commons on the subject would be held conclusive. The following fell from Mr. Mitchell, in addressing the Chancellor of the Exchequer, Mr. Gladstone, last year, in the House of Commons: "But there was one particular class of duties to which he would call special attention, namely, the ad valorem duties." He had presided last year over a committee which had recommended in the strongest terms the abolition of those duties; that committee included among its members the present Chancellor of the Exchequer, a former Chancellor of the Exchequer, and several other high ex-officials, and it was their unanimous opinion that the ad valorem duties ought to be at once and entirely abolished." He (Mr. Cayley) would not detain the House by reading the strong and, in his opinion, unanswerable arguments urged in favour of this abolition, but he would read Mr. Gladstone's reply: "I concur with the hon. member for Bridport, in thinking that the system of ad valorem import duties is highly objectionable. Undoubtedly there may be cases where public policy will not allow of it, and therefore I do not mean to lay down any universal or sweeping provision, but I accede to the doctrine that the system of ad valorem import duties on manufactured articles is highly inconvenient, and that it greatly tends to the demoralization of the operations of trade." With those extracts, he would conclude his argument in favour of specific duties. Turning next to the articles on which he proposed to make reductions, and passing over those embraced in the Reciprocity Treaty, which amounted to something short of £30,000, he would name the two principal ones on which the greatest reduction was to be effected, namely, tea and sugar. The duty now collected on the first, averaged about threepence halfpenny per pound, taking the ad valorem and specific duty together, and amounted in 1853 to £70,000. It was proposed to reduce it to twopence per pound, which would be a reduction on the imports of 1853 of upwards of £26,000. The duties on sugar now averaged from eight shillings on the raw sugars to fourteen shillings and sixpence on the refined per cwt. It was proposed to range them in three classes, at the several rates of 6s. 6d. on the raw sugar, 8s. 6d. on the clayed bastard sugar, and 12s. on the refined. The reduction of sugar duty in all would amount to about £30,000 or upwards, taking the returns of 1853 as the basis of calculation. The next item was coffee, which it was proposed to reduce to a penny per pound. The reduction on this article amounted to one fifth of the duty, or 20 per cent. The proposed reduction on molasses was from threepence one farthing to twopence per gallon, and amounted in the whole on the import of 1853 to £7,400. The reduction on wines was about £5,000. No reduction was proposed on other spirits, but the duties were changed from the mixed or double duty to the specific. The reduction on dried and green fruits would amount to about £6,000, the latter being declared free. It would be perceived that there was a very large transfer from the two and a half ad valorem duties to the free list, which, with the additions of pig iron and other articles which he would name in committee, would swell the reductions to £14,000, and probably raise the total reductions to £115,000 on the returns of 1853, which amounted to £986,597. The House would perceive that the largest reductions had been made on materials for the encouragement of our own manufacturers and shipbuilders, and on coffee, molasses, tea and sugar, articles which were in general consumption in every house and hamlet in Canada; and while he

regretted that under the present unsettled aspect of affairs, he did not feel justified in coming down with a larger reduction of the articles on which it was proposed to effect that reduction would be satisfactory to the House and to the country.²²

MR. BROWN said.--It is quite clear Mr. Speaker, that the honorable Inspector General intends to redeem faithfully the promise²³ qu'il fit à ses amis dès le commencement de la session,²⁴ on assuming office, that he would always keep the public exchequer full enough to supply the demands of his political supporters. (Hear, hear.) But satisfactory as such an arrangement may be to²⁵ the Government and their supporters²⁶ I greatly doubt whether it will be equally so to the country at large. (Hear, hear.) On the contrary, sir, I apprehend the statement of the honourable gentleman will take the country very much by surprise. I am quite sure the reduction of taxation proposed by the government will be universally regarded as insignificant exceedingly and not at all such as we had a right to expect. (Hear, hear.)²⁷ For years past large sums had been drawn from the pockets of the people which were not wanted for the purposes of the State, but were kept floating in the hands of the Inspector General to increase the influx of the Executive. In the last four years there had been a continuous floating balance in the public chest of from two to five millions of dollars, and the evil effects which had resulted from the practice in loss of interest, extravagant expenditure, and direct corruption could hardly be over-estimated.²⁸ The hon. gentleman tells us that he cannot afford to make greater reductions, that the surplus from 1853 was but £150,000, a very trifling sum to come and go upon, and that--²⁹

MR. INSP. GEN. CAYLEY.--That was the surplus at the beginning of this year. I have not referred to the accounts of 1854 at all.³⁰

MR. BROWN.--Exactly so. There lies the absurdity of the hon. gentleman's statement. At the close of 1854, when just entering on 1855, the honorable gentleman treats us to a financial statement up to the end of 1853! (Hear, hear.) He tells us what was on hand in January last and what has been paid out of that balance since, but he keeps totally out of sight the enormous revenue he has received this year. I understand that the customs alone will yield this year £1,150,000. And perhaps the honorable gentleman will inform us what will be the revenue from territorial sources and Public Works?³¹

MR. INSP. GEN. CAYLEY.--I have not touched the revenue for this year at all. I mentioned the balance available from last year, which will be added to such balance as there shall be at the end of this year, between the sums expended and the revenue, whatever these may be. I have not even hazarded a guess as to what the amounts may be.³²

MR. BROWN.--That is precisely what I complain of. The proposition before the House is not to arrange a tariff for this year, or last year, but for next year. Any reductions we may determine upon will not go practically into operation until May, 1855. Our reductions therefore should be predicated on the probable state of the finances next year. (Hear, hear.) And what I complain of is that the honorable gentleman, instead of laying before us the printed estimates for 1854, a clear statement of our financial position at this moment, and a general estimate for next year--carries us away back to 1853, ignores every transaction during the past year, and asks us to accept this petty proposition of reduction, on his mere verbal statement of our financial condition, as at January last. (Hear, hear.) Sir, I do think that a more unstatesmanlike

proposition was never made to a representative assembly. I think the honorable gentleman treats this house most discourteously in venturing to make such a demand on our subserviency. Can it be possible that this house will enter on a discussion of the reductions of taxation which may be safely effected in 1855, without the slightest information as to the present state of our finances?³³ It was a fact that the supplies for the present year have not yet been voted³⁴. Eleven months of the year are gone, and during all that time the government have been spending the public money without consent of Parliament.³⁵ Nay, though the Legislature has been sitting nearly three months,³⁶ the Inspector General has not deigned to lay before us the estimates for the year so nearly gone. (Hear, hear.) He purposely keeps them back until we have determined the extent of taxation for the coming year, although without them we can form no correct estimate of what these reductions ought to be.³⁷ How could the House consider the new Tariff--how could members judge what amount of reduction could safely be made, without any knowledge as to the transactions of the past year the present state of the finances or the prospect for 1855. It must be recollected that the only way of reducing the taxation and lessening the surplus in the public chest was by a reduction of the Customs duties--but the reductions proposed by the Inspector General were for next year--and that no opportunity for further reductions would occur before the spring of 1856. During all the interval were the public to be subjected to the heavy and unnecessary burdens at present existing?³⁸ I do think, sir, that if we submit to this, if we allow ourselves to be led blindfold in such a fashion, if we consent to impose taxation on our people upon the mere assurance of the Inspector General that he thinks no further reductions can be made, we will neither do justice to ourselves nor our duty to our constituents. (Hear, hear.)³⁹ It would, in his opinion, be forgetful of the public interest and its own dignity as a deliberative assembly.⁴⁰ There is no duty imposed on the representatives of the people more important than that of exercising a strict check over the expenditure of the public moneys; and yet there is no part of our proceedings so loosely conducted. In fact, Mr. Speaker, voting the supplies is fast becoming a mere farce. The supplies of 1851 were voted in August, when eight months of the year were gone; and the supplies of 1852 were not voted until the year following! The supplies of 1853 were got through in June of that year, but we are now within a month of the close of 1854 and the estimates are not even printed! We vote the supplies when the money has been spent, [and] we encourage the Executive in extravagance by the absence of all restraint over its disbursements. I must confess to some disappointment in finding that in this matter the present Government are determined to follow so closely⁴¹ [and] recklessly in the footsteps of their predecessors. (Hear, hear.)⁴² None were so loud in their denunciations of the hurtful system in vogue as the hon. gentlemen on the Treasury benches while they were in opposition--but now that they have mounted into power, they perpetuate the evil. I contend, then, Mr. Speaker, that we ought not to enter upon the consideration of the Tariff until the Inspector General has laid regularly before us his budget for the present year, and a rough estimate for the coming year; but even with the scanty information before us, I apprehend it will not be difficult to show that the honourable gentleman's statement was a pure fallacy, and that we can make much larger reductions on the customs duties than he proposes without the slightest danger to the public credit. (Hear, hear.) According to the figures of the Inspector General there was a surplus in the public chest in January last of but £150,000; and he triumphantly exclaims, "how can I make great reductions on so paltry a balance as that? What justice can there be in the loud complaints against large balances

lying useless, when the result of several years' surplus revenue is a paltry balance of £150,000?" Very imposing this, certainly--but utterly fallacious. The actual balance in the chest in January last was £834,668, as may be seen by the public accounts of 1853; and how does the honourable gentleman reduce it to £150,000? Why, by deducting in the first place £330,000 for public works⁴³ authorized by Parliament, which are not yet proceeded with,⁴⁴ and which may be many months, perhaps years, before commencing. This leaves £504,000 in the chest in January last, after every claim on the Government has been satisfied, and provision made for all contemplated works. And how does the honourable gentleman reduce this balance to 150,000L.⁴⁵ Now Mr. Speaker mark the fallacy of all this. The hon. gentleman strikes his balance as at the end of 1853 but most ingeniously he puts against it all the extra expenditures of 1854--expenditures arising during the year subsequent to the date of his professed balance--and he exclaims "see, there was not really £834,668 in the chest in Jan las[t]--there was only £150,000!!" (Hear, hear.)⁴⁶ He places against it public debt redeemed during the past year, 280,668L.--Emigration expenses, 31,384L.--Quebec Fire Fund, 11,850L.--and other miscellaneous items, 33,218L.--or in all, 357,120L. And thus he reduces the balance of 1853 to 150,000L. (Hear, hear.) Now, is it not perfectly manifest that all these items belong to the budget of 1854--have no relation to 1853--and that it is the veriest delusion on the part of the Inspector General to include in his statement of January 1854, all the extraordinary disbursements of the succeeding year, and omit all the enormous receipts (sic)? (Hear, hear.)⁴⁷ The hon. gentleman ignores the whole receipts of the past year in his statement. He ignores the fact that not for one hour during the past year has he had a less surplus in the che[s]t [t]han £800,000--that the balance has ranged as high as nearly five millions of dollars, and that it is at this moment considerably above four millions. (Hear, hear.)⁴⁸ The statement of the honourable gentleman is utterly delusive. But let us accept it for the moment--let us work it out. The honourable gentleman says he had 150,000L. over from 1853, and has received 1,150,000L. from customs during the year. Let us add to this his receipts from Excise, Territorial sources, Public Works, Bank impost, and miscellaneous--certainly not less than 250,000L.⁴⁹ [OR] £300,000⁵⁰,--and we will find at his disposal for 1854 the large sum of 1,550,000L.,⁵¹ [OR] £1,600,000.⁵² And what has the hon. gentleman to meet out of this? Why, nothing but the ordinary expenditures for carrying on the Government, or some 650,000L.⁵³ which could not have exceeded £800,000⁵⁴--the extraordinary expenditures having been already paid out of the surplus of 1853. Let us place it at the largest possible sum, and say 750,000L., for the expenditures of 1854, and we will find that the hon. gentleman will still have the enormous balance at his disposal at the end of this year of 800,000L.! (Hear, hear.) And beyond this, power was given in last Parliament to raise a new loan of 150,000L. towards paying off that portion of the debt which has been redeemed in 1854--can the hon. gentleman say if that loan has been negotiated?⁵⁵

MR. INSP. GEN. CAYLEY.--No debentures have been issued under the Act in question, so far as I am aware.⁵⁶

MR. BROWN.--Ah, the Government has not availed itself of the loan. Very good. We have then a balance at the end of 1854, of at least 800,000L., besides 330,080L., cash in hand, for works assented to by Parliament, but not yet proceeded with. But the honourable gentleman tells us that Provincial debentures to the extent of 500,000L. fall due in 1855, and these must be provided for. Does the hon. gentleman intend to pay off the whole of these

debentures, or to negotiate a new loan for a portion of it? I think we are entitled to know what his intentions are in this matter.⁵⁷

MR. INSP. GEN. CAYLEY.--That is not the question before the House. I think the hon. member very much mistakes the course I have taken, and the course he should take himself in debating this matter. Do I understand the hon. gentleman to say that we should reduce from our annual revenue an amount equal to the casual surplus of any particular year, without making any provision for possible fluctuations and changes? I would beg the hon. gentleman's attention to the following figures. The revenue of the Province

In 1844 was	-	-	£489,000
" 1845 "	-	-	419,000
" 1846 "	-	-	391,000
" 1847 "	-	-	381,000
" 1848 "	-	-	304,000 ⁵⁸

MR. BROWN.--Go on.⁵⁹

MR. INSP. GEN. CAYLEY.--It is unnecessary. It appears from these figures that the revenue fell down steadily from 1844 to 1848. Now, if we had made a reduction in our tariff, based on the revenue of 1844, where would we have been in 1848? So, if we based our calculations on the revenue of 1853 and 1854, where might we be at the end of a few bad years? In making a reduction, we should have some regard to the trade of the coming year, and, if it should turn out better than our anticipations, we are not precluded from making future reductions next year and the following year. But, if we made too great a reduction now, we would find it a very difficult matter to go back and reimpose the duties for the purpose of making good the deficiency. I do not think, therefore, that on the eve of times as severe perhaps, as ever were seen in a commercial point of view, we should be hurried into too great a reduction of the revenue.⁶⁰

MR. BROWN.--The hon. gentleman says we are entering upon times of serious commercial difficulty⁶¹, and we must provide against emergencies. I don't believe in these gloomy forebodings⁶². I think the hon. gentleman greatly exaggerates the danger, and that nothing so very alarming is impending over the Province--but were it true, I must say that the hon. member takes a most extraordinary way of helping our merchants over the crisis, by retaining taxes⁶³ which are not wanted,⁶⁴ [and] are unnecessary--by drawing off large sums from industrial employments for the mere satisfaction of swelling the public chest. (Hear, hear.) The hon. gentleman supposes that I would reduce the customs' duty, exactly in accordance with the casual surplus from year to year,--and he asks how would such a system have worked from 1844 to 1848 when the customs' duties decreased every year. I can assure the hon. gentleman I never dreamt of cutting down the customs' duties by so changeable a rule--all I ask is that the taxation shall be kept in some proportion to the expenditure and shall not exceed it so unreasonably that three or four millions of dollars shall be constantly floating in the hands of the Executive. To keep the public chest sufficiently filled for all necessary purposes is one thing--to keep it needlessly overflowing is quite another. I do not ask that the customs' duties shall be cut down to the extent of the surplus of either this year or the last,--but what I do ask is that we shall estimate the revenue and expenditures of 1855--making due allowance for extraordinary demands and possible reductions of revenue from the pressure of the times--and then make such reductions of taxation

as may be shown to be safe and politic. I am altogether opposed to levying in 1855, as in 1854--such a sum as £1,400,000 with little more than half that sum to pay. (Hear, hear.) The hon. gentleman quotes the period from 1844 to 1848 as a criterion for our guidance, why did the hon. gentleman quote a period when our country was in a stagnant condition, when the cry of ruin and decay rang throughout the land? Why did he stop at 1848 the culminating point after which the revenue continued steadily to progress to its present height? And I pray the hon. gentleman to observe that even in his selected years there never was a greater falling off in one year over the preceding of more than £75,000. How would such a reduction effect our present revenue were our customs' duties to decrease four times that extent there would still be room for further reductions. The hon. gentleman declines to say what are his intentions with regard to the Debentures falling due next year.⁶⁵ Then again, says the hon. Inspector General, Provincial Debentures to the amount of £500,000, fall due in 1855, and they must be met. True, Sir, they must be met, but does the hon. gentleman mean to pay the whole of that enormous sum in one yearly taxation.⁶⁶ For my own part, I can see no propriety in paying off so large an amount of the public debt at this moment.⁶⁷ He has paid off this year, £280,000 and £75,000 towards Lord Sydenham's Sinking Fund. Does he mean to pay £575,000 further in 1855? If so, I totally dissent from such a policy.⁶⁸ If we pay off £500,000 in 1855, and £75,000 further towards the sinking fund, the debt will be reduced in less than two years to the enormous amount of one million of pounds currency. To draw such a sum suddenly off from the industrial employments of the people appears to me highly inexpedient--more especially at a period when the country is suffering from the want of capital to keep the industry of the country in profitable application and to make available the inexhaustible resources of our soil. Our public debt has been almost entirely produced in the execution of great public works--we are to hand down these works to our successors, and I can see no propriety in our embarrassing the present generation for the benefit of the next. I am in favour of reducing the debt gradually and regularly from year to year⁶⁹ by regular instalments, which will not affect our commercial interests⁷⁰--say £100,000 or even £150,000 per annum--but I am utterly opposed to remitting to England in the space of eighteen months such a sum as four millions of dollars. It is true that the public faith must be maintained--that every liability of the Province must be met to the day--and rather than the slightest default should occur, I am prepared to sanction any necessary taxation. But no such case presents itself; the public credit is high; our Debentures bear a large premium; a five per cent loan could readily be effected. And I wish to recall the attention of the house to this fact that the hon. gentleman can pay every sixpence of the Debentures falling due in 1855 and yet have £300,000 left beside the £330,000 for works uncompleted. Why then, should not the Customs' duties be reduced in 1855?⁷¹ So large is the surplus in the chest, the (sic) we can pay off this large amount of the public debt, and still make large reductions on the customs duties, and that with perfect safety.... He is starting on a new year, in which this surplus will be enormously increased unless we compel him to make greater reductions. Why should next year's receipts be less then? But suppose them reduced, could they be one half less, or one-fourth less?⁷²

MR. INSP. GEN. CAYLEY.--They might be.⁷³

MR. BROWN.--Well, if they were, the Inspector General would still receive ten to eleven hundredred (sic) thousand pounds, which, added to the Inspector General's surplus from 1854 of £800,000, would give him near £2,000,000, and

nothing to do with it but the ordinary expenditure of 1855, some seven or eight hundred thousand pounds. You might pay off the whole debt falling due of £500,000⁷⁴. If they produce no more in the coming year than they did in the past, we⁷⁵ still would have in the Public Chest an undisposed surplus of £600,000 to £700,000. It is in the face of such facts as these we are called on to make the petty reduction of £100,000⁷⁶. But the times may be bad, says the hon. gentleman, and the revenue decreased--well, make allowance for that--let us say the customs' may fall off one-fourth and we will still have room for further reductions on the duties to the extent of £250,000. We must all admit that it is a most injurious thing for the interests of the country to have those large balances in the hands of the Government. They are taken away from the industrial resources of the country--they give immense political power to the Executive and supply the ready means of corruption. The Government are beset on all hands to give money for all sorts of purposes, and with a chest full to repletion they can hardly resist the applications of their supporters (Hear, hear.) I hold that the public chest should be so full as to enable the Government to meet all proper demands on them, and to afford them a moderate degree of liberty in arranging the public expenditure, but I do protest against the present system, believing one of the greatest evils that can afflict a country like this, is to have the public chest gorged with money, and that money taken from the people when there is no need for it. (Hear, hear.)⁷⁷

MR. INSP. GEN. CAYLEY.--What difference is there between this country and any other?⁷⁸

MR. BROWN.--There is this difference, that in a young country, money is in great demand for actual use--the people want all the cash that is available, to apply in the carrying out of industrial enterprises, and to bring out the resources of the country. Our circumstances are very different from those of an old country like England, where there is a plethora of money. But even in England every penny raised is required for the absolute necessities of the state. Did you ever hear of a Finance minister in England coming down and framing his reductions for the year, without giving his expectations for that year? Did you ever hear of a finance minister in England, coming down in the month of November, and founding his budget for the next year on the state of the finances eleven months previous? (Hear, hear.) It is quite clear that the hon. gentleman should have adopted a very different method from that he has done, in laying his Tariff before the House. We do not ask the detailed estimates of next year, but let him state generally what are his expectations for 1855--the revenue he expects, the expenditure he has to provide for, and the amount of debt he proposes to pay--for we must recollect that this tariff is only to affect next year. Let us no longer continue the ruinous practice of allowing a large amount of money to be floating about for no good purpose and causing us to lose a large amount of interest. The late government from 1850 to 1854 had from half a million to a million pounds constantly floating in their hands, and what interest did that enormous amount produce? Only £10,000, while at the least it should have produced four or five times that amount. The whole system in my opinion is evil. I am unwilling at present to enter into the details of the scheme, but I cannot agree with the hon. gentleman when he says that the total reduction will amount to £100,000. Clearly it will come to no such amount. The reduction on sugar for example will tend greatly to increase the consumption, and the result will be that the revenue from that article will be very little diminished. (Hear, hear.) And the same argument applies to the other reductions.⁷⁹

MR. AT. GEN. J.A. MACDONALD.--Still it is a reduction of taxation.⁸⁰

MR. BROWN.--It may be a reduction of taxation to the public, if they do not consume more than they do at present, but the very effect of reduction is to increase the consumption, and consequently to increase the revenue. The position I take up is this, that we should not levy more taxes on the people than there is necessity for, and it is no very great advantage to the public that you reduce the charge on a particular article, provided on the whole you take more money away from the people than you require for the necessities of the state. (Hear, hear.) As to specific and ad valorem duties, no doubt arguments may be advanced on both sides, but I have heard nothing to shake the argument that the principle of levying duties ad valorem is the only just one. Why should you compel a man who is able to consume only a very common quality of tea to pay the same amount of duty as the rich man who consumes tea costing 6s. or 7s. 6d. a pound? And so with many other articles in this list. If the hon. Inspector General had swept away the duty from many of those articles altogether he would have shown that he was guided by a wiser policy. For my own part I am prepared to listen with great deference to any arguments which may be advanced in favour of different modes of reduction, but I am quite sure that the general feeling throughout the country will be that it should have gone a great deal farther. (Hear, hear.) I do hope that the hon. gentleman even yet, before he proceeds any further, will give us a more full explanation of his financial policy. With the information we have now, I cannot see how the effect of this scheme will be anything else than to give a surplus of near a million of pounds at the end of next year, for no reasonable man can expect that the revenue will fall off at anything like the rate which has been mentioned. (Hear, hear.)⁸¹ He would entreat the House to pause before acceding to this scheme of the Inspector General--to consider well the position in which they were in, and to insist on a greater reduction on people's burthens.⁸²

MR. CAUCHON would support the scheme proposed by the honorable Inspector General.⁸³ [He] said the country was threatened with an awful reaction in trade, and he thought the Inspector General acted wisely, in laying his plans for the future, to have some regard to the experience of the past.⁸⁴ As long as the Tariff was not made too high, he would be favorable to it, as it was desirable to keep up the Revenue. But the country was not overburdened by taxation, and we stood in a better position with the Tariff than the people of the United States. The flourishing state of our affairs, according to the honorable member for Renfrew's statement, would be put out of question, because the honorable gentleman would destroy the Revenue, which should be sufficiently large to meet the liabilities of the Province, otherwise direct taxation must be resorted to. The course taken on this occasion by the honorable member for Lambton was inconsistent, for only a few days before, he had declared that it was dangerous to give the security of the Province for large sums of money, because of the position of the Revenue, but the honorable gentleman now wished to reduce the Tariff very considerably, because there might be a surplus revenue.⁸⁵ The hon. member for Lambton, for the purpose of preventing corruption, would place the country in a position in which it could not meet its liabilities in any exigency that might arise. He did not think that any Finance Minister would show statesmanlike qualities, who, like that hon. member, should propose to sweep away at once £500,000 from the revenue.⁸⁶

MR. BROWN said he had made no such proposal, all he had contended for was that even the meagre information before the House warranted a reduction far beyond £100,000.⁸⁷

MR. CAUCHON repeated that the whole bearing of the honourable member's argument was to advocate a greater reduction than in present circumstances would be at all prudent. He was surprised that the honourable member should argue against the Province paying its debts as they fell due. By paying their debts, they proved to England and to the world that their finances were in a flourishing state, and they were thus enabled to keep up their credit abroad.⁸⁸ The reduction proposed by the Inspector General was not too much, as the Revenue would not suffer by it.⁸⁹ Who could tell but there might be a falling off in it of one half during a single year?⁹⁰ Le seul moyen de décider ces questions pareilles, c'est de profiter de l'expérience, comme a fait l'inspecteur-général, l'expérience non pas d'une ou deux années, mais d'une suite d'années. Ce qui arriva entre 1844 et 1847 peut bien arriver encore.⁹¹ He hoped the House would support his [Mr. Cayley's] scheme.⁹²

MR. LANGTON, after commenting on the unsatisfactory manner in which the estimates had been voted for several years, generally after the money had been spent, said that now again they had got so far as to November without knowing anything at all about the estimates of the current year.⁹³ [He] thought it would be acknowledged on all hands that our finances had got into a very inconvenient position. The House was now called upon to provide the ways and means for next year, when they knew nothing about the expenditure of this year or had even authorized the expenditure at all of this year.⁹⁴ It appeared to him that this was an exceedingly vicious state of things, and the sooner they got out of it the better. (Hear, hear.)⁹⁵ In England the Estimates were passed for the year, and the ways and means were provided for the year.⁹⁶ At the very end of 1854 they were saying what taxes they should levy in 1855, basing their calculations on the income and expenditures of 1853, and shutting their eyes completely to the state of their finances in 1854, and in February 1855, they should have the Inspector General coming down with his estimates for the expenditure of⁹⁷ 1854. (Hear, hear.)⁹⁸ He thought that this was an exceedingly inconvenient system. He did not lay the blame entirely upon the Inspector General, as circumstances had in a great measure forced upon him his present course. There seemed to be a very simple way of getting out of the difficulty for the future, and that was by fixing the time of the meeting of Parliament by law. (Hear, hear.) Custom might do very well in England, where the custom was once established, and they always met within a few weeks of the same time of the year. But in Canada public opinion was not so strongly felt as in England, because party feeling was stronger and would vindicate a government in departing from the proper course. To get out of the difficulty, therefore, they should pass a law fixing the meeting of Parliament in February. (Hear, hear.) And at the same time he thought it would be well to change the commencement of their financial year to April, which with Parliament meeting in February, would place them in the same position as in England; and it appeared to him that in this country April, was peculiarly suited for being the commencement of the financial year, as trade did not commence till then, and during the winter months very little revenue was received.⁹⁹ He hoped the Inspector General would consider what he had stated.¹⁰⁰ He had said that he did not lay the whole blame on the Inspector General for the difficulties into which they had got. At the same time he could not exonerate him from it entirely because¹⁰¹ of the course he now pursued.¹⁰² If he had not been the author of the difficulty, he had not helped to get them out of it. The hon. gentleman came down to fix the taxes of 1855, on the basis of the revenue of 1853 but he could not even give an estimate of what would be received during the year now nearly closed.¹⁰³

MR. INSP. GEN. CAYLEY.--I stated what I conceived would be the Customs Revenue for the present year.¹⁰⁴

MR. LANGTON said the hon. gentleman had not given the House any means of forming an opinion of the accuracy of his estimate, and besides he had left them altogether in the dark as to what the expenditure had been. He thought that the hon. gentleman should have brought down an estimate of our position during the present year, and not base his calculations entirely on a year that closed eleven months ago.¹⁰⁵ How could the House form any estimate when they did not know what the expenditure of the year would be?¹⁰⁶ There was a further difficulty arising from the financial system they had now got into, that they were never quite certain to what year any particular expenditure applied. For example, in the estimates of 1852, there was an appropriation for the expenses of the Agricultural Bureau. When they met in February, 1853, they voted a fresh appropriation, and on asking whether the money previously voted had been spent, they were told not, and they were in absolute ignorance whether any of it had been spent to this day. He considered it an injurious system to appropriate money for the expenses of one year, and not to expend it till the next, extracting it from the pockets of the people, and allowing it to lie useless in the Treasury for a year or more. (Hear, hear.) He hoped the Inspector General would endeavour to get the finances into such a state that they should know what they were to expend in each year, so that they might know what means they should raise to meet it. At the present moment he did not think the finances of any country in the world were in a more curiously complicated state--that in November of this year they should fix the taxes for 1855, based on the accounts for 1853, and that in February 1855 they should be called upon to say what they should have spent in 1854, after the whole of it had been expended. As to the amount by which they should reduce the taxation, it appeared that £870,000 were lying in the Treasury at the beginning of this year, which, in consequence of various charges belonging to the previous year, had been reduced to £150,000. That was all the surplus from 1853. What the surplus might be for this year, the honourable Inspector General might know, but the House did not. On that point he was left very much in the dark, but he thought the hon. Inspector General would not deny, that on the present year there must be at least an equal surplus of £150,000¹⁰⁷, respecting which, a statement should be laid before the house. He would like, in making the estimates, that they should make liberal allowances for extra expenditure, or for any defalcations that might have taken place in the revenue of this year in consequence of the stagnation of trade. In consequence of the ignorance the house was in, they could not tell how much to reduce the expenditure.¹⁰⁸ He could not help thinking that they might safely reduce it to a greater extent than £100,000.¹⁰⁹ As to the details of the scheme of the Inspector General, he would reserve his remarks until the House went into committee.¹¹⁰

MR. HINCKS said it was not his intention to have offered any observations on the proposition made by the Inspector General, so early in the debate, had it not been for the course which the discussion had taken. It was his intention to have refrained from making any observations until he had an opportunity of stating his views on the proposed changes in Committee, when he thought it could be more conveniently done than in the whole House. But the line of argument adopted by the hon. member for Lambton, and which had been followed up by the hon. member for Peterborough, had entirely changed the whole course of the debate, and he thought it necessary to offer a few observations now, more particularly with reference to what had fallen from the hon. gentleman who had

just sat down. There was no doubt a great deal of force in what had been said by that hon. gentleman in regard to the inconvenient time at which questions of this sort were brought forward. But he did not think it fair for the member for Peterborough to follow the line of argument he had done and to propose that they should deviate so widely from the practice of the British Constitution, simply because this year there had been a little irregularity in the time of the meeting of Parliament--he said this year, for up to the period that the proposition for a fixed time for the meeting of Parliament was brought forward by the hon. member for Lambton in the session before this, there was no indication on the part of the House as to the time they thought most desirable for the meeting of Parliament.¹¹¹ In 1850 or 51, the disposition of the government was, that Parliament should meet very early in the year, but strong opposition was made to that by the country, and the idea was postponed.¹¹² There was no objection on the part of the Government to meet Parliament at whatever time the House might indicate, and, when the proposition was brought forward by the hon. member for Lambton, it was fully the intention of the Government to call Parliament together in February of this year. But circumstances occurred which ought certainly to have claimed for the late Government the indulgence of the House. The Governor General was absent under very peculiar circumstances in England. It was not known whether he was to come back or not, and he was sure that hon. gentlemen would see that it was neither expedient nor desirable that Parliament should be assembled, and legislation gone on with, without the presence of the Governor General. If it had been deemed essentially necessary that there should have been a meeting of Parliament in February, he was perfectly certain that the present Governor General could not have come back to this country, and in that case we would not have had the Reciprocity Treaty. But whether the course of delaying the meeting of Parliament was the proper one or not, there was no use now in discussing, for it was the late Government that was responsible for it, and the House had acquitted them. There was a special amendment moved to the Address on that point, and the Ministry were supported by the majority of the House on that question. On another and entirely separate question the Ministry were defeated, which rendered necessary an appeal to the country, so that it was utterly impossible for those finance questions to be brought forward in June. A dissolution of Parliament took place, and he was sure no one could blame¹¹³ the Government¹¹⁴ for not having the new Parliament assembled at the earliest possible period after that dissolution. The result of that meeting of Parliament was a change in the Administration, and considering the manner in which this House had since been occupied with various pressing questions, he did not think that the present Inspector General could be blamed for not having brought forward his tariff and estimates at an earlier date. Therefore, however unfortunate the delay might have been, no reasonable person could attach any great blame on account of it to the present Administration. It was an exceptional case which might not occur again in the course of 20 years.¹¹⁵ The remarks of the hon. member for Lambton were altogether groundless.¹¹⁶ With regard to the remarks that had been made as to the inconvenience of discussing this question on the basis of the state of the finances in 1853, he would say that the revenue and expenditure of each year were always clearly given in the public accounts, and there was also a balance at the credit of the consolidated revenue fund carried from year to year, but that balance was burdened with certain charges existing from previous years¹¹⁷ which the government was liable to be called upon to pay.¹¹⁸ Unfortunately hon. gentlemen who discussed these questions were very apt to base their calculations on the balances which they might discover to be in the Banks at a particular

period, instead of considering what the actual charges upon the apparent amount at the credit of the consolidated revenue fund might be. The Inspector General in his opening remarks shewed very clearly what the position of affairs was at the commencement of 1854, but until the termination of the present year, until all the accounts were fully made up, it was impossible for the Inspector General--and he said so from his own knowledge of the matter--to come forward with any satisfactory statement as to the exact position of the consolidated revenue fund for the present year. The hon. gentleman had showed very clearly that though there was a balance of £834,000 at the credit of the consolidated revenue fund at the commencement of this year, that balance was liable for charges on the fund which had been placed upon it by Parliament. The first of those charges which he mentioned was one very considerable item of £243,000, which was paid very shortly after the accounts of 1853, were made up, being the amount of bonds falling due in London very early in the present year, and which had to be provided for out of that balance. There was a great variety of charges which he mentioned, amounting altogether to something like £700,000, and leaving at the credit of the consolidated revenue fund for the year, a balance of only¹¹⁹ £130,000 to £150,000.¹²⁰ Now, as to their calculations for the future, they all knew that the Customs were the great item of our revenue. When they had got the amount of the Customs Revenue, they had got sufficient data to arrive at a conclusion as to the state of our finances, quite sufficient at all events for entering upon the consideration of the present question, more especially as any balance, any difference between the revenue and the expenditure of the present year, actually amounted to nothing at all, as compared with the speculations they might arrive at, as to the revenue of next year. It was there that the great difficulty lay. If the Inspector General could calculate on getting a revenue for 1855 equal to that of 1853 or equal to that of the present year, they could easily arrive at a conclusion, as they knew pretty nearly in round figures what the expenditure was likely to be--without waiting for the detailed estimates which the hon. gentleman was to bring down in a few days.¹²¹ There was no doubt that the Inspector General could calculate upon getting a revenue equal to that of 1853. We should know in 1855 what our expenditure is likely to be, from the estimate of this year, and they could derive the same information as to the revenue.¹²² It was a delusion on the part of the hon. member for Lambton to suppose that there was any extraordinary amount of revenue to be derived from Crown Lands. Had the hon. Commissioner of Crown Lands been in his place, he could have stated that there was no large amount of revenue to be derived from that source under our present system, and for this reason, that according to the existing law the receipts from the sale of lands had to be invested, and a considerable sum during the last twelve months actually had been invested on account of those lands. There was nothing therefore to be got from that source. With regard to the revenue from Public Works, that was not likely to vary to any material extent from the revenue of last year. When the Inspector General, therefore, stated that the customs revenue would be about £1,100,000, any gentleman could form a sufficiently close estimate for present purposes of the revenue and expenditure for 1854. With regard to the practice on these occasions of entering into these statements, he believed it would be found that there was no invariable practice on the subject. It depended entirely on the circumstances of whether important changes were proposed in the tariff or not. He believed that in this country it had been usual to make a kind of statement as to the probable revenue and expenditure, on the House going into Committee of Supply on the estimates. He believed that that was the time, when the gentleman who had charge of

the finance department of the country came down and asked for supplies, that he showed what his estimates were. That seemed to be the proper time for entering into those calculations, and he could not see that with regard to the present question it was of the least importance in the world. There was one point in which he entirely differed from the hon. member for Lambton. He knew nothing whatever of the views of the Government as to the course they might take with regard to that portion of the public debt which fell due next year, and probably they would be guided very much by circumstances--circumstances of such a nature that they might not be prepared at this moment, and should not be called upon to state what course they intended to take. But when the honourable member for Lambton laid down as a broad proposition that it was inexpedient to pay off those bonds, and that an attempt should be made to renew them, then he took up a position from which he (Mr. Hincks) entirely dissented. He thought it would be a most inexpedient course for them under present circumstances to go to their English customers, and ask the renewal of those bonds as they fell due. One would suppose from the statement of the honourable member that the Province was placed in this position--that with a debt of four or five millions they were paying off that debt in a very rapid manner, and pressing upon the present population for the means of cancelling the debt for great public improvements, which might with much propriety be left for posterity to pay. But that was not a true representation of the present position of this country. The fact of the matter was that¹²³ the country was largely increasing its debt, it was true, but not (he hoped) its liabilities¹²⁴, because they were increasing their debt on what might be considered very sufficient security--debt incurred by promoting great public works in this Province for the interest of the Province, but upon which they had taken such security, that they could not become a charge on the people of this Province, or a charge on the public revenue. This was true, but, so far as their creditors were concerned, they stood in a different position.¹²⁵ Their creditors saw the Bonds of the country going into the English Market¹²⁶ at a very increased ratio, and the amount of their debt was being very largely increased by those bonds, which were bonds of the Province of Canada¹²⁷. It was perfectly known that they had to be met by the Province of Canada unless they were taken up by the parties to whom these securities were lent, and who he had no doubt would pay them.¹²⁸ But so far as the English creditors were concerned, they found the debt of the Province of Canada increasing, and new bonds being put into the market, and in these circumstances he considered it would be a most ill-advised proceeding if they were to go and ask to have those bonds renewed. He thought therefore that the Inspector General took the proper course in basing his calculations on the supposition that he might be called upon to pay that half million of bonds. Whether he might think it expedient under the circumstances which might arise--and as to that he (Mr. Hincks) would not pretend to give any advice--was another point, but to say that they should put it out of his power to do so was the greatest mistake that any man could fall into. Supposing he had to pay those bonds, what was the present state of our financial affairs? It had been shown by the hon. gentleman, with regard to the financial transactions of 1853, that there was only an available surplus at the credit of the Consolidated Revenue Fund of something like £150,000. Well, there was now due, or would be due in the course of a few months, in England, about £500,000 currency, leaving a balance of £350,000 to be provided for out of the surplus of the present year. The hon. gentleman therefore was quite borne out in saying that there was no extraordinary amount at the credit of the government, to warrant him in coming forward to make any very sweeping reductions in the tariff.¹²⁹ Cette réduction

lui paraîtrait mesquine, il est vrai, si l'on pouvait compter sur les mêmes importations que celles de l'an 1854, ou l'an 1853; mais eu égard à l'état du commerce de bois et des autres branches de commerce, il ne croit pas qu'on puisse attendre des importations semblables.¹³⁰ He freely admitted that he would think the proposition of the Inspector General a very paltry proposition, if he believed he was perfectly safe in basing his calculations for next year on the revenue of this year or that of the year before.¹³¹ He (Mr. Hincks) was bound to say that he did not think it would be a prudent course for the hon. gentleman to take.¹³² But, looking at the present state of affairs, looking at the great depreciation in the value of our products, considering that the great staple of the country had diminished so very materially in value, and the very little expectation there was that the importations of next year would at all come up to those of the present year--looking at all these circumstances, he thought it would be a very mistaken course, if, for the sake perhaps of gaining a little more popularity, the Inspector General should bring forward a larger scheme and run even the slightest risk of¹³³ endangering¹³⁴ the finances of the country. And what after all would be the great evil, supposing he had a little more surplus than he had calculated upon?¹³⁵ We knew he had got to meet large payments, and he (Mr. Hincks) was certain that the hon. gentleman would not have anything exceeding the means that he had had, and the probability was, that he would have diminished means, and he (Mr. Hincks) did not think at this moment it would be advisable to reduce the balance at the credit of the government, nor would it be for the interest of the country.¹³⁶ Il est certain qu'il serait extrêmement dangereux que le gouvernement se trouvât gêné dans ses opérations financières, dans un temps où le crédit est ébranlé par tout le monde.¹³⁷ The effect would be very generally felt if at a time like this they should cripple the means of the government by a very sudden reduction of the revenue. The affairs of this Province had come to be of very great magnitude, and their transactions were increasing in magnitude every year. And besides the Province had necessarily had the management of a very large number of special funds, which in looking at the balances at the credit of the government, honorable gentlemen were accustomed to lose sight of altogether.¹³⁸ The balance of the special funds were fluctuating, and they could not be kept entirely free, as between them and the Provincial Government.¹³⁹ There were, perhaps, eight or nine of these special funds, every one of which would have large balances at the credit of the government, amounting generally, he had no hesitation in saying, to upwards of £200,000. That constituted, a very large portion of those balances, about which they heard so much.¹⁴⁰ The Govt. was trustee for that, the monies were invested periodically, others were held for distribution.¹⁴¹ And it would be found that there had been no time for several years past, when there was such a large legitimate surplus at the disposal of the government, as warranted persons in playing that very dangerous game of trifling very materially with our revenue. Considering then all the circumstances of the case, he did not think any good reasons had been shown why the house should not go into committee to consider this tariff. The idea of postponing it, and leaving the matter in an unsettled state, would be a most unsatisfactory thing to the whole country. They should go into the question and settle it at once. He thought no case had been made out to show that they were not in a proper position to consider it now.¹⁴² It would be dangerous to put it in the power of the Inspector General not to be able to meet the Bonds when they fall due.¹⁴³ They knew what the position of their finances was at the beginning of 1854. They could also form a tolerably accurate idea of the state of the finances next year, bearing in mind that it would

be necessary to provide the Inspector General with means to pay for the £500,000 of bonds falling due in April, and for other bonds,¹⁴⁴ the Provincial bonds¹⁴⁵ which, if he was not mistaken, would fall due in the course of the year. They should also keep in view that the Inspector General had taken the responsibility of saying that he did not think the present circumstances of the country were such that he could rely with confidence on having as large a revenue next year as he has had this year. The Inspector General could not tell whether the falling off would be £100,000, or £200,000, or £300,000, or £400,000. He could not tell what the falling off might be, but he said that he felt that under the circumstances of the case, it was not safe for him to come down with any very large proposition. He proposed, therefore, on a revenue which might be stated in round numbers at a million of money to make a reduction to the extent of something over £100,000. That being the amount of reduction which it would be safe to make, the house had to look at the propositions for distributing that reduction, and to say whether they were reasonable or not.¹⁴⁶ The revenues of 1853 and 1854 did not materially differ.¹⁴⁷ Looking then at this million of revenue, they found that by far the largest amount of it consisted of revenue from goods paying a $12\frac{1}{2}$ per cent ad valorem duty¹⁴⁸ and £640,000 was received from that source.¹⁴⁹ That branch of the revenue the honorable gentleman did not propose to disturb. In that he thought he was right, and probably he thought so more strongly than the honorable Inspector General himself, for he had differed with him before, and he was not sure but he might differ with him again on this question of ad valorem duties, his own tendency, he believed, being more towards those duties than the Inspector General's. But what he wished to point out was this, that £644,000, taking the figures of 1853, were drawn from ad valorem duties on manufactures coming into the country, and he believed that on that subject there was no great complaint, and that¹⁵⁰ all persons would agree that if reductions were to be made they should not be made upon the £640,000¹⁵¹ [and] it should not affect that branch of the customs. So far then they had very considerably cleared their way.¹⁵²

MR. BROWN said that immediately on the printing of the Inspector General's scheme, he had telegraphed it entire to Toronto, and received back the query-- "What about the twelve and a halves," (Hear, hear.) It was thought there had been some mistake in transmitting the Government of propositions, and he was aware that a great deal [of] feeling had been excited when it was known that the $12\frac{1}{2}$ per cent duties were not to be touched.¹⁵³

MR. HINCKS.--We got £32,000 by duties paying $2\frac{1}{2}$ per cent, consisting chiefly of raw materials, including in that class railroad iron, [and] boiler plate, used as quasi raw materials in the country.¹⁵⁴ The proposition to deal with those articles as a general rule by making them free, was one which would be generally assented to by the country and by this house.¹⁵⁵ Pig iron was now made free and $2\frac{1}{2}$ per cent duties were merely continued upon railroad iron.¹⁵⁶ He did not think any reasonable objection could be raised to the exceptions to that rule, of leaving the $2\frac{1}{2}$ per cent on railroad iron and some other descriptions (sic) of iron. The duty on railroad iron was very slight, as compared with the United States, but it yielded a revenue of £8,000 or £10,000, and he did not think that in the circumstances in which the country was placed, with a large number of railroads going on, and nearly all contracted for with the knowledge that railroad iron was subject to that duty, it was expedient to put that amount into the pocket of the contractors by relieving them of the duty.¹⁵⁷ He was sure that the honorable member for Montreal, Mr. Young, would agree with him in that.¹⁵⁸ The next item was the 20 per cent duties, which, if he understood the Inspector

General correctly, were entirely extinguished by the Reciprocity Treaty. They came next to the 30 per cent ad valorem duties which were entirely abolished under the new classification. He thought that was a judicious change. The only difference he would have made, had he been bringing forward a proposition, would probably have been to have thrown them into the 12½ per cents instead of putting specific duties on nearly all the items. Having disposed of these classes, nothing was left to consider but those particular articles which formerly paid a mixed specific and ad valorem duty. It was only on those that any dispute of consequence could arise, so that the question was really narrowed down to very confined limits, under the circumstances of the case, when the Finance Minister came down and made such a statement as they had heard tonight, and when he told the House that so far as his judgement went he did not feel justified in proposing a greater reduction than £100,000 or £110,000, he for one would not attempt to drive him to make reductions beyond what he himself deemed prudent.¹⁵⁹ It would be perfectly competent for the Inspector General between this and February next, when he brought forward his proposition for next year to extend his scheme although he (Mr. H.) thought it better to do it now.¹⁶⁰ He ... would not think it very expedient, after a change of this kind had taken place, to disturb the finances again in the course of a few months. But after another year he would be in a better position to judge whether he would come forward with new propositions. In the mean time he thought they should accept the Inspector General's statement as to the extent to which it would be prudent that the reductions should go, and when he proposed to make a reduction in the tariff to the extent of £100,000, it was for the House to consider whether he had made the best selection of articles on which to effect a reduction, or whether they could throw out any hint as to a better distribution of that reduction. He thought they must all admit that the Inspector General had in this matter dealt very fairly both with this House and with the trade of the country, because in laying his propositions before the House, he had given sufficient time to elicit hints for their improvement, and had not refused to meet with all the parties interested, and in one particular item he had modified his resolutions to meet the wishes of the trade, by dividing the bastard and raw sugar into two classes. Now with regard to the question of specific and ad valorem duties, as had been observed (*sic*) by the hon. member for Lambton, a great deal might be said on both sides. He was quite sure at all events that a great deal might be said on behalf of the principle of ad valorem duties. At the same time he was bound frankly to say that he had formerly a much stronger feeling in favour of ad valorem duties than he had now, in consequence of his experience more particularly with reference to some of the articles now under consideration. He would give the House the result of his experience in reference to the article of sugar, to shew the evils that might have flowed in that case from the ad valorem system.¹⁶¹ With regard to sugar, the difficulty that arose would be this--¹⁶² at present there was a considerable ad valorem duty on sugars, in addition to the specific.¹⁶³ The object had been, to bring the advalorem duty into play with regard to sugar.¹⁶⁴ On reduced sugar, loaves and crushed loaves, the duty was 10s. per cwt. and 12½ per cent., which together were equal to a specific duty of 14s. 6d. a cwt.¹⁶⁵--the advalorem duty being about 4s. 6d a cwt. All other sugars were subject to duties of 6s. per cwt. and 12½ per cent. advalorem, and upon white bastard sugar the duty would amount to 10s. 3d. per cwt. The duty upon Muscovado sugars, taking the price at 26s., would be 2s. The Muscovado would be paying 8s. the cwt. where the others were paying 10s 3d.¹⁶⁶ This difference of 2s. 3d. was quite fair, because the other sugar was so much better in quality. But

there was this evil effect of the system, that sugars from the different places were charged different rates of duty, the duties being levied according to their invoice value at the port from which they were brought.¹⁶⁷ This arrangement led to confusion in regard to the fixing of duties at the place either of import or export.¹⁶⁸ The merchant who got his sugars from Cuba direct, and paid for them on the Cuba invoice, was placed on a better footing than the merchant who got them from Halifax or New York, and had to pay duty on a Halifax or New York invoice. Those, then, who were strongly opposed to differential duties, as the hon. member for Montreal (Mr. Young), could not with consistency give a very ardent support to the ad valorem system, which tended so much to produce differential duties. But he would think little of that, if it were the only difficulty, but it led also to constant frauds. He would mention a case which occurred last year, not as a case of positive fraud, but as an illustration of how the system might easily lead to frauds. A gentleman in New York imported from Canton a cargo of teas into New York. A portion of those teas he transferred to Canada, completing, he believed, a bona fide sale, but retaining his nominal ownership in them until they arrived in Quebec, where they were entered under the Canton invoice. Another house in Quebec, adjoining that which bought a portion of those teas and paid duty for them under the Canton invoice, bought another portion of precisely the same cargo, and paid duty for them under the New York invoice, which was of course considerably higher, and they very naturally complained that they should have had to pay more than the house adjoining. Honourable gentlemen who were in Parliament when the present tariff was adopted, would recollect that he was very anxious in 1849 to have duties levied on the value of the article at the port of importation, instead of on their value at the port of exportation. There was a strong repugnance, however, on the part of the merchants, to adopting that principle, and he was free to admit that it would lead to serious difficulties.¹⁶⁹ Even there he found difficulty arising from the cost of transportation having to be added to the original invoice value.¹⁷⁰ On heavy articles, for example, such as iron and crockery, where the expense of conveyance was great, they would have one value at Montreal, another at Toronto, and another at Kingston; and of course a different rate of duty at each port. There were these difficulties, then, surrounding the subject, but perhaps honourable gentlemen opposite, who were so strongly in favour of adhering rigidly to the rule of ad valorem duties, might point out how they were to get over those difficulties.¹⁷¹ He (Mr. H.) therefore did not think, that considering we were dealing with a class of articles that had been previously subjected to a combined advalorem and specific duty, that any objection to the Inspector (sic) General's scheme as far as they were concerned, could be urged.¹⁷² The hon. gentleman then stated his reasons for approving of the alteration made by the Inspector General on his original scheme, of putting 8s. 6d. a cwt. on bastard, and 6s. 6d. on raw sugar, instead of a uniform duty on both.¹⁷³ He (Mr. H.) was free to admit, that the moment the proposition was made to adopt specific duties, difficulty was found, because the effect of the specific was, that the duty upon white bastard sugar was as he had stated. By the classification proposed the duty was put on to higher priced sugars, and taken off low priced sugars, and as far as sugars were concerned the advalorem duty was combined with the specific duty which could not be unsatisfactory to the people. He thought that the leading articles of tea and sugar, were those in which reduction in duty would be expected by the country.¹⁷⁴ Taking the whole scheme together, he thought there was no just ground of complaint as to the manner in which the reduction of £100,000 was to be distributed. Those who thought the reduction should have been double

or treble that amount, would of course oppose it on other grounds, but those who saw the propriety of limiting the reduction to £100,000 must be satisfied with the scheme as it stood.¹⁷⁵

MR. YOUNG said, the amount of the whole Customs' revenue of last year was £1,028,676. Of this £640,146 was collected from manufactures at a duty of $12\frac{1}{2}$ per cent, ad valorem. This duty is not to be changed, but the remaining £388,530 collected under specific and ad valorem duties, is to be reduced to £288,530, and collected under specific duty only. He differed entirely with the Inspector General as to specific duties being preferable to ad valorem. In this view he was supported by the practice of the United States.¹⁷⁶ En opposition aux opinions (sic) anglaises que l'Inspecteur-général a lues, il lit l'opinion de M. Walker, secrétaire de la trésorerie américaine sous le président Polk.¹⁷⁷ The Hon. Robert C. Walker, late Secretary of the Treasury, was, he thought, as good an authority as Mr. Gladstone, quoted by the Inspector General in favour of specific duties. Mr. Walker condemned specific duties as unjust to the poorer class of society. What would be thought of an annual tax of 30 dollars on all houses, without respect to actual value, making the owner of the humble tenement pay as much as the owner of the costly mansion. Yet this was the principle of specific duties--charging the poor man as much for the cheap, as the rich man for the fine article. The Tariff of the Inspector General is upon this principle.--¹⁷⁸ Considérez le premier article du tarif; le sucre raffiné deux fois coûte 40s par cent livres, pendant qu'un autre sucre aussi raffiné qui s'appelle lumps se vend 27s 6d par cent livres.¹⁷⁹ The purchaser of the inferior would thus pay 44 per cent duty, while on the finer article the duty would be only 30 per cent. Raw sugar of common quality would pay 43 per cent, while the duty on the white raw sugar would be 20 per cent. Molasses, clayed and refined, are all at the same duty. Common tea costs in China about 5d., while there are fine kinds worth 4s. The poor man who buys his Bohea pays 40 per cent, while the rich man who can buy his Gunpowder or Pekoe, pays only 5 per cent. Coffee in the same way. The rich man who sips his Mocha pays $7\frac{1}{2}$ per cent, while the man who can only buy common pays 35 per cent. Tobacco in the same way; he who smokes his "honeydew" only pays 4 per cent, while the man who buys common plug pays 40 per cent. Cigars and snuff in the same way. Wine is charged at 1s. per gallon. The Sicilian Port which is worth only 6d in Sicily, pays a duty of 200 per cent, while the golden Sherry and Maderai, is only charged 5 per cent. Now, in relation to wines he (Mr. Young) would protest against such a policy. Such legislation was immoral in its tendency. This duty of 200 per cent prohibited the importation of cheap wines, and the direct effect was the education of the tastes of the people for ardent spirits. Look at the import of whiskey in 1851, 40,868 gallons, in 1852, 98,566 gallons, in 1853, 324,079 gallons while 1,500,000 gallons [of] whiskey is supposed to be manufactured in Canada. Give the people a substitute and encourage the importation, not the prohibition of the light wines of Europe, and a greater blow will be struck against intemperance than any attempt to infringe on the rights of the people by the prohibition of the imports of spirits. Again while common whiskey pays 40 per cent the man who can buy his Scotch Whiskey, pays only 5 per cent, and so on with Brandy, Gin, Almonds, Currants, Nuts, Prunes, Raisins, Pepper, Nutmegs &c., &c. He (Mr. Young) challenged the Inspector General to deny these facts or to point out one single article in the tariff, under the specific duty, which did not unjustly weigh against the man, whose circumstances compelled him to buy the inferior article. It must never be forgotten that eight-tenths of the people of this country were engaged in agriculture, and this is the great class on

whom these unjust duties fall most heavily.¹⁸⁰ Il ne veut pas vider la caisse publique ni diminuer d'aucune manière le bon crédit dont le Canada jouit; mais il croit qu'il peut y avoir des réductions bien autrement considérables que celles qui sont proposées.¹⁸¹ He wished to have ample funds in the chest, but the hon. Inspector General and the hon. member for Renfrew are mistaken in supposing that the imports of next year will be so much short. It is true there is some commercial difficulty, but that is confined mostly to Lower Canada. Upper Canada never was so sound. We have had bad crops for two years, while in Upper Canada crops have been good and high prices obtained. He would risk his reputation as a merchant in the belief that the Customs' duties of 1855, would not be less than in 1853, even with all the reductions of the Inspector General, which he thought paltry in the extreme, with a surplus of nearly one million in hand, say £650,000 in the chest and £350,000 invested in London and subject to order. He felt that injustice was done to mercantile classes in Lower Canada by this tariff. He never asked, nor did he now ask for any protection by the St. Lawrence. The people of Upper Canada had a right to buy where they chose. He asked for the same right upon a proper principle, and the effect of specific duties instead of ad valorem was to give an undue advantage to the American importer.¹⁸²

MR. STEVENSON said the views of the honorable member for Montreal had much changed since last year in regard to the position Canada stands in compared with the United States, in their putting advalorem duty instead of specific upon certain articles. The government had since changed that course. About five or six years ago there was not one article in the United States which paid a specific duty, advalorem duty was put upon every article. Since that they had again changed, and had levied specific duties on some articles. He (Mr. S.) did not agree in levying specific duties on manufactures. The wisest course to adopt was, to have a specific duty on such articles as it could properly [be] levied upon, and place an advalorem duty upon others.¹⁸³ [He] thought it was the wisest course to have a specific duty on some articles, and an ad valorem duty on others. The hon. member for Montreal had read the opinion of [a] gentleman in the United States, whose name he did not catch, in favour of the ad valorem system, but every one knew the great amount of fraud to which that system had led in the United States.¹⁸⁴ When the House went into Committee upon the bill, would be the time to consider upon what articles either duty should be placed. The honorable member for Renfrew had given a different opinion now to that which he gave in 1849. He had learned by experience in that school that all gentlemen had not the opportunity of learning in (hear hear). He (Mr. Hincks) now found that the principles he then advocated were not right. In six or seven years of financeering, the honorable member had learned something. He (Mr. S.) agreed with the honorable member for Peterborough, that it was awkward at the end of the year, to consider the estimates for the next year. He (Mr. S.) believed public opinion was in favor of convening parliament at the early part of the year, and it would no doubt before long, be called together always in February. When we changed our duties on imports, we should consult the interests of merchants. Now that the imports were being interfered with, it should be done in the most convenient way, otherwise it would be dangerous to the mercantile interests of the country, to be changing the tariff every year or two. He (Mr. S.) was struck with the observation made by the honorable member for Lambton, as to the course pursued by the Inspector general, [that] they were most extraordinary assertions, but made for opposition sake. The honorable gentleman objected to that course being ... pursued as impolitic. It was a poor opposition for an honorable gentleman who possessed sense to make, why

should we not pay our debts, with our surplus revenue? The country having certain large improvements laid out upon it, had been bsought (sic) into debt, and the government ought to have the means in hand to meet it.¹⁸⁵ He (Mr. Stevenson) thought the best thing they could do with their surplus revenue was to pay off their debts. The credit of the Province had already been strained to the utmost extent, and he trusted, therefore, that every shilling which fell due next year would be promptly paid.¹⁸⁶ They should not forget they were about passing a Prohibitory Liquor Law, and that it would make a reduction in the revenues of £50,000 or £60,000 a year, and that our expenses were increased to an amount almost as great as our income. He need not say, that the expenditure on behalf of the Legislature was likely to be £50,000 or £60,000 more hereafter than it had been before. Such increased expenditure would have to be provided for. The amount of the imports into Upper Canada in 1852 or 1853, astonished every one. The importations in Lower Canada would fall materially short of those of last year. In lumber there would be a falling off of 50 per cent. That was another reason why we should pay our debts. Every city and town in Canada was borrowing money to make improvements, and a great deal of the money would come from England. He thought that the House would concur with the Inspector General, that it was not advisable to make so large a reduction as to decrease the revenue materially. The arguments of the hon. member for Montreal, on the increase in consumption of various articles, he (Mr. S.) did not concur in.¹⁸⁷

MR. MERRITT said that in arranging the tariff, they should place the articles forming necessities of life consumed in Canada as nearly as possible on the footing of the same articles consumed in the United States. But if they looked at this tariff, they would find that the duties were imposed on articles which were articles of necessity, while if they looked at the tariff on the other side of the line they would see that those articles, such as sugar, molasses, tea, and other necessities of life were free.¹⁸⁸

MR. HINCKS.--Sugar is not free.¹⁸⁹

MR. MERRITT said he had made a mistake. Sugar had an ad valorem duty of¹⁹⁰ 30 per cent¹⁹¹, but tea, coffee, tobacco, rice, &c., were free. And what was 30 per cent. on sugar, when they got it at 2½ cents a pound in Cuba? Even with this duty, it might be had at the Suspension Bridge on the American side at 7 cents, while on the Canadian side it cost 10 cents, and the consequence was the people went to buy all their articles on the other side of the river.¹⁹² Cela fait que d'un côté de la frontière ces articles se vendent à meilleur marché que de l'autre, et que le peuple en est mécontent.¹⁹³ He maintained, therefore, that it was the true policy of this country in establishing a tariff, to diminish the duties on those articles that went into general consumption, and to preserve as nearly as possible like duties with those on the other side, that the people of Canada might be placed in as good a position in regard to what they grew and consumed, as the people of the States. This had been done to a great extent by the Reciprocity Treaty, but the day must soon come when that policy must be carried further, and applied to a great many other articles.¹⁹⁴ ... out of all the Custom Houses from Canada to the American side of the line for 19 years the cost of collection on the American side was four times more than the whole amount they collected. It would not be long before the question would be agitated of reciprocity in duties between Canada and the United States.¹⁹⁵ He thought it was due to Canada that her manufactured articles should be sent into the United States on the same terms as American manufactures were brought in here. We would thus make the Americans consumers of our

manufactures, and manufactures would thrive in this country. To accomplish this our tariff must be so regulated, as to put duties, not on the necessities of life, but on those articles which would come into competition with our manufactures. But what was the proposition which they were now discussing? Whether or no they could afford to take off a paltry sum of £100,000 from a revenue of £1,300,000¹⁹⁶ [OR] £1,500,000¹⁹⁷. (Hear, hear.) Our duties were only $2\frac{1}{2}$ per cent. before the Union--we got up to $7\frac{1}{2}$ per cent, and in 1849, when he came into the Government it was raised up to $12\frac{1}{2}$. But nobody dreamt of the expenditure we were going on with--nobody thought of retrenching; only to take care and get our balances.¹⁹⁸ He was astonished to hear the Inspector General proposing such a miserable reduction. The Inspector General said that large balances must be kept up.¹⁹⁹ The honorable member for Renfrew likewise advocated that. It was no doubt very convenient for any Government to keep up those balances to meet expenditure, but²⁰⁰ he (Mr. Merritt) denied that that was at all necessary, or that in this country it was the course of a sound policy to keep up those large balances. Besides, it was contrary to the statute law of the land that those balances should be kept up.²⁰¹ In 1849 the administration adopted a policy [and]²⁰² by 12th Vic., chap. 45, sec. 5, it was provided that they should be paid into a sinking fund to redeem the debt. Had that law been observed, or had the balances of 1851, 1852, and 1853 been so paid in?²⁰³ No: if they had, the debt in question would have been diminished.²⁰⁴ Instead of that there was a balance at the end of 1853 of upwards of £800,000.²⁰⁵ In the same year of 1849, we established the school fund which was to relieve the Customs duties from £50,000. Had that been appropriated? No. He mentioned this to shew, that²⁰⁶ under our present system, it was no matter whether they had a law or not--if they had a law, no attention was paid to it, but, when there were balances in hand, the Government made use of them as they thought proper. He regretted that the Inspector General had not turned his attention to the duties on the heavy articles of crockery, glass, &c., which were onerous and produced very little to the revenue.²⁰⁷ In reducing the Customs duties, they should be taken off on crockery and glass, which would encourage the outward bound trade from England up to Lake Erie. The trade now extended down the Mississippi. Take the whole of these duties off, including railroad iron, and the Revenue would be increased.²⁰⁸ A few contractors might benefit by²⁰⁹ the duty being taken off²¹⁰ on contracts already made, but it would only be in a very small degree, and for his part he would make them welcome to all the benefit they could derive from it. He thought a much greater reduction might have been made in customs duties, and any deficiency might be made up by increasing the canal tolls.²¹¹ Let the tolls be renewed.²¹² By taking off customs duties, they relieved the people of this country, and by transferring the taxes to the canal tolls, they laid the burden on the foreigners who made use of the Provincial canals. That, he considered, was the true principle which should guide them in the regulation of the tariff.²¹³

MR. HOLTON said that his honorable friend from Renfrew, with that wonderful versatility which they all so much admired, had given very ingenious and plausible reason[s] for abandoning his own long cherished views in relation to advalorem duties and adopting those of his successor, but ingenious and plausible as they were, they had failed to convince him (Mr. Holton).²¹⁴ He had been too long a disciple of his honourable friend, when a free trader, and was too tenacious of opinions once deliberately formed, to follow even him, with all his respect for his talents, in his extraordinary gyrations on this question. He could readily understand the very natural desire of the hon. gentleman to sustain his successor in keeping up the burdens of taxation, and preserving a large surplus

revenue, for besides the manifest advantage of having his successor and old rival adopt the most obnoxious and unpopular feature of his own policy, he perhaps thought that the mission of this coalition which he had supported so ardently was nearly ended--(hear, hear)--and that the ban of "Governmental impossibility," under which he had been so happy and so radiant for the last few weeks was about being (sic) removed, and what more natural than that he should desire to resume office with a well filled Exchequer, instead of finding it in the state in which his present successor left it on a former occasion. (Hear, hear, and laughter.) There was one argument made use of by the honourable member for Renfrew which no one but a financier of his great and established reputation could have ventured to advance. He said we were in a commercial crisis, times were hard and would be worse, we were in fact very poor--and, therefore, we should keep up taxation and withdraw large sums from general circulation, that our public coffers might be full, and our public credit maintained.²¹⁵ C'est une singulière manière de soulager la détresse[s]e commerciale (sic).²¹⁶ No one but a financier of his established reputation could have ventured to make use of such an argument. He quite agreed with him in thinking it important that this question should be settled now. He had taken occasion repeatedly during the session to press its urgency on the attention of the Government, and he was not now to recede from what he had formerly said. But when he took that ground, he had apprehended that we were to have a measure adequate to the requirements of the country--(hear, hear)--and not a little measure of this kind, which it was of very little consequence whether they considered it now, or postponed it for a few days or for a few weeks. He thought they would be likely to be gainers by delaying it, for the chances of getting²¹⁷ a more comprehensive and a larger measure²¹⁸ would be very much increased by its postponement. He would have been disposed to respond most cordially to the remark of the Inspector General in opening the discussion, that this should not be considered as a party question.²¹⁹ (Hear, hear.)²²⁰ He thought it very undesirable that it should be so considered, and that in perfecting the system of taxation, with due reference to the requirements of the public credit, and to the wants and circumstances of all classes of the community, gentlemen from both sides of the House should cheerfully give their assistance, uninfluenced by party considerations. But the views they had heard to-night from the Inspector General, and from his alter ego, the late Inspector General, were not calculated to invite that free discussion which was so desirable. (Hear, hear.) It was very evidently the intention of the Inspector General to adhere to this small measure of his in all its essential features, and if that were so, he feared it would not be in his power to render the Inspector General any assistance in attempting to improve it. (Hear, hear.)²²¹ Il aurait volontiers donné son concours pour améliorer le projet en autant que cela est possible, si un délai suffisant lui eût été accordé; mais cela lui est maintenant impossible, puisque c'est évidemment l'intention de l'inspecteur-général de faire passer sa mesure ce soir même.²²² Without being disposed to make any charges against the government, it must be admitted that the financial system pursued was erroneous.²²³ The evils of an excessive taxation and a surplus revenue were too manifest to require to be enlarged upon now.--The country had suffered for many years under an excess of taxation, and from a surplus revenue being at the disposal of the Government for the time being. From the very nature of the case, a Government such as ours having control of a large surplus revenue, was exposed to temptations from which it would be a wise policy to save it. (Hear, hear.) He put no faith whatever in the lachrymose predictions of the Inspector General, in which he had been followed by his honourable friend from Renfrew, of a

failing revenue in consequence of reduced importations. That point had been so ably treated by his honourable colleague (Mr. Young) that he would only further say in regard to it that he had the utmost faith in the elasticity of the trade of this country. (Hear, hear.) He believed the condition of the country to be essentially sound. The great processes of production and consumption were constantly going on, and our population was increasing with great rapidity, and though they might feel for a time the pressure of a monetary crisis and suffer, it might be great inconvenience temporarily, still, unless an unexpected succession of bad seasons should occur, he had no faith in any predictions of a failing revenue. (Hear, hear.) He also objected to the scheme of the Inspector General that the changes he proposed were founded on a false principle. The honourable Inspector General had quoted²²⁴ English authority in support of levying specific duties.²²⁵ Against them he (Mr. H.) would place the opinion of one whom he took to be the greatest living authority on a question of this kind, John Stuart Mill. (Hear, hear.)²²⁶ Cet écrivain dit non seulement que les consommateurs des marchandises coûteuses doivent payer des impôts proportionnés à leur prix, mais que le taux de l'impôt doit être plus élevé sur les objets d'un haut prix, afin que les riches soient obligés de contribuer plus que les pauvres.²²⁷ Having quoted an extract from Mill's works, strongly in favor of the ad valorem system, and going the length of urging that a higher absolute rate should be levied on the articles consumed by the richer classes, Mr. Holton said he considered that that was a sufficient counterpoise to the authorities cited by the Inspector General. His honourable colleague had quoted an American authority also in favour of ad valorem duties, that of the Honourable Mr. Walker. An honourable gentleman opposite (Mr. Stevenson) affected never to have heard his name--showing pretty conclusively the extent of his information on the subject under discussion. Mr. Walker had had the unprecedented honour of having his Report printed by order of the House of Lords, and he had also received the very highest commendation from all the economists of England for this very Report of which the honourable gentleman opposite never heard. It was on the recommendation of Mr. Walker that the ad valorem system had been adopted, and had since been adhered to in the United States, and the authority of that gentleman he considered was quite equal to any authority cited by the honourable Inspector General. It was said that the ad valorem system was liable to many practical difficulties and frauds in the carrying of it out.²²⁸ As to frauds taking place in levying advalorem duties which do not occur in specific duties, he (Mr. Holton) thought that frauds were also perpetrated with levying specific duties, and that the evils that attached to the advalorem, might be remedied by the system of appraisal.²²⁹

MR. INSP. GEN. CAYLEY wished to know what these frauds were?²³⁰

MR. HOLTON.--False guaging (*sic*) and weights, and other impositions. He (Mr. H.) favored the advalorem system. The modification of the Inspector General in sugar duties was an improvement, but the duty that he imposed upon tea, without reference to its peculiar utility, was objectionable. His (Mr. Holton['s']) next objection to the proposed scheme was, that while it left the poor man's taxes untouched, and in some cases increased them, it diminished the taxes upon most of the articles of luxury consumed by the opulent classes.²³¹ In the United States, where they had a sugar interest, protected by a confessedly protective tariff, the duty on sugar was thirty per cent., which on our trade would be 4s. 6d. to 5s. per cwt. The Inspector General's proposition was to subject the lowest quality to a duty of 7s. 6d. a cwt.²³²

MR. HINCKS said the Inspector General had altered his scheme so as to make the lowest rate 6s 6d a cwt or 5s 9d per 100 lbs, which, taking the price at 15s, would bring it up to 20s 9d. The United States tariff of 30 per cent would make it 19s 6d, a difference only of 1s 3d, or about half a farthing a pound, instead of 3c a pound, as had been stated by the honorable member for Lincoln.²³³

MR. HOLTON dit qu'on oubliait que les cent livres du Canada sont vraiment cent douze livres pendant que les Américains comptent par cent livres nets. Il a peut-être exagéré le cas un peu, mais son argument reste néanmoins sans réplique; car il est admis que l'impôt ici sera encore plus fort que dans les Etats-Unis.²³⁴ It was absurd in Canada to place a higher duty on sugar, than was levied in the United States, where the article was avowedly under a protective policy.²³⁵ The duties placed upon sugars were too high. Although the change in the classification of sugars was a great improvement on the Inspector General's original proposition, he had not gone far enough. He could not understand why that article which had become a necessary in every household, should be taxed at 40 per cent, while articles of luxury were taxed at a much lower rate. The late Inspector General had treated the question as a financier rather than an economist. Because the article was of general consumption and not produced in the country, it was convenient to raise a large revenue from it. In the United States where they had a sugar interest to protect, and had an avowedly protective duty on sugar, they only levied 30 per cent. on all descriptions, while even the revised proposition of the honorable Inspector General would be equal to 30 to 40 per cent. Then with regard to the proposition of the Montreal Board of Trade to allow Tea to be imported direct from the place of growth, free of duty, as had long been done in the United States, which the Inspector General had denounced as calculated to favor particular interest, and on which he had even founded covert imputations of selfishness against the great commercial community which he (Mr. Holton) had the honor to represent.²³⁶

MR. INSP. GEN. CAYLEY.--No. No.²³⁷

MR. HOLTON did not understand that they desired any undue advantage for imports by the St. Lawrence. Of course the policy of favoring the long voyage would not necessarily prevent importations on the same terms through the United States in bond.²³⁸ He should not occupy the time of the house any further, but would reserve any suggestions for improving the details of the scheme, until the House should go into committee.²³⁹

MR. BELLINGHAM thought that the discussion should have taken a wider scope, and that the Government ought to have informed [the] House whether the principles on which the Commercial policy of the country was to be carried were founded on protection or Free Trade. He thought the Tariff ought to be arranged in such manner as to draw the trade of the West down the St. Lawrence as much as possible, and also to encourage emigration to the West to pass by that route. The duty on tea he thought ought to be taken off.²⁴⁰

MR. BROWN stated that he would move an amendment, which he read, as follows:--"That it is expedient to postpone consideration of the Tariff till Tuesday next, so that the estimates for the year 1854, now nearly expired, may be laid before this House, and proper data thereby obtained for ascertaining whether larger reductions on the Customs Duties than those proposed may not be made, with due regard to the state of the finances." He thought that the House in duty to itself ought to support that amendment. It had not sufficient information before it to go into the consideration of the proposed Tariff and to ask

hon. members to do so, without more information was to ask them to legislate in the dark; or take the assertions of the Inspector General in preference to their own judgment, which he (Mr. B.) was not prepared to do.²⁴¹ (Hear, hear.) The tariff and the estimates ought to go together.²⁴² He was not going to say that this tariff could be easily altered if found desirable; for, pass it now, and there would be no way of altering it before the spring of 1856, if February was the month in which parliament was to meet, and the orders for that year would then have been sent out.²⁴³ Under this tariff the surplus in the chest would go on accumulating, until by the end of next year it would be nearly a million, after paying off all the debentures falling due. They were entitled to have the figures shown them on which the Inspector General founded his opinion that he could not make a greater reduction than £100,000. (Hear, hear.) The honorable member for Renfrew said it was not expedient to reduce materially the balance at the credit of the government. He was not astonished that the hon. member should assert such a proposition, because he had availed himself abundantly of the political advantages which an overflowing chest conferred. The honorable gentleman said we would be playing a very dangerous game, if we trifled with the revenue. But that was the very thing which they did not want to do. They wished to put the financial system on a sound basis, they wished in remodelling the tariff to limit the taxation with regard to the industrial interests of the people as well as to the state of the public exchequer. (Hear, hear.) The hon. Inspector Gen. in asking the house to go into the question, without data on which to arrive at a correct conclusion, was the only party to be charged with trifling with the revenue. The honorable member for Renfrew said that to leave the question unsettled till parliament should meet again in February would be most unsatisfactory to the country. He could not see how this could be, inasmuch as the reduction was so trifling, that it would affect the purchases of importers to a very limited extent. But the effect of his (Mr. B.'s) amendment was not to postpone the consideration of the question to February, but merely till next week, until the Inspector General should have placed before the house his estimates for the past year. He did not think it creditable to the honorable gentleman that the house was not in possession of those estimates now. (Hear, hear.) The honorable gentleman knew that the house was just on the eve of breaking up, and they would be asked to vote the supplies on Monday or Tuesday, without having a single hour to consider them. (Hear, hear.) There had been a great deal of argument to-night founded on the idea that we are in a monetary crisis, and that a fearful state of things is hanging over us. He agreed with the honorable member for Montreal that there was no ground whatever for that statement. The affairs of the country generally never were in a better position than now. (Hear, hear.) With the large crops they had and the high prices for agricultural produce, together with the vast public works going on and the means provided for carrying on those works--²⁴⁴

Hear, hear, from the ministerial side²⁴⁵.

[MR. BROWN continued:] Yes, he quite agreed that it would be an advantage to the country if the Grand Trunk fulfilled its promise to expend next year two millions of pounds, even though it were mostly provincial funds; looking at all these circumstances, to say that any serious monetary crisis was upon us, appeared to him to be an unnecessary alarm. He left his motion then in the hands of the house, feeling that it was called for by the circumstances in which they were placed, and he felt strongly that honorable members would not be doing justice to themselves or their constituents if they proceeded to the consideration of this question, without being in possession of the fullest information. (Hear, hear.)²⁴⁶

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Mr. Brown moved in amendment to the Question, seconded by Mr. Ferrie, That all the words after "That" to the end of the Question be left out, in order to add the words "it is expedient to postpone the consideration of the Tariff until Tuesday next, so that the Estimates for the year 1854, now nearly expired, may be laid before this House, and proper data thereby obtained for ascertaining whether larger reductions on the Customs Duties, than those proposed, may not be made, with due regard to the state of the Public Finances" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:

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YEAS.

Messieurs Bourassa, Brown, Darche, DeWitt, Dionne, Antoine A. Dorion, Dostaler, Dufresne, Ferrie, Flint, Foley, Fraser, Guéremont, Hartman, Holton, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Papin, Valois, Wilson, Wright, and Young.--(27.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Crawford, Crysler, Jean B. Daoust, Desaulniers, Attorney General Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Hincks, Jackson, Labelle, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Masson, Meagher, Monjénais, Morin, Angus Morrison, Patrick, Poulin, Pouliot, Powell, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, Thibaudeau, and Yeilding.--(57.)

So it passed in the Negative.

Then the main Question being put; the House divided:--And it was resolved in the Affi[r]mative.

The House accordingly resolved itself into the said Committee;

The several acts relating to the customs duties and also that portion of his Excellency's speech which relates to a revision of the Tariff were then read²⁴⁷.

MR. INSP. GEN. CAYLEY in moving the first clause of his resolutions, reciting the Acts affected by the proposed changes, said he thought he might very justly complain of the course which had been taken by hon. members on the other side. He could hardly consider that course to have been a liberal and generous one, although certainly it was the usual course taken by the opposition, for he would appeal to the House whether during the present session the Government had not had to drive through step by step, in the face of the most strenuous resistance, every measure they had brought forward, with the exception of the Reciprocity Act.²⁴⁸ First they had urged him to bring down his resolutions and then to put off their consideration, when it would be manifestly wrong to do so at that time.²⁴⁹ So, on the present occasion, to ask for the postponement of the resolutions, he could not consider a fair and liberal course. If postponed till Tuesday, what would have been the result? Members were leaving every day, and it would have been said that the question had been improperly disposed of by a thin House. He thought it necessary, therefore, to press a decision on the question at once.²⁵⁰ He believed that merchants should have the opportunity of sending their orders with the full assurance of what the Tariff would be.²⁵¹ It had been said on the one hand that the reduction was

so trifling that it would be of very little advantage to the community, and on the other hand that it would so greatly increase the consumption (sic), that there would be no falling off in the revenue at all. But, taking the single article of Tea, he found that the importation of that article at the reduced rate to yield an equal revenue next year, would have to be increased 50 per cent. Such an increase he did not think at all likely to take place. Perhaps they might find themselves in a position by and by to go farther in the reduction of duties, but at the present moment he contended that it would not be safe in the present aspect of affairs to make a larger reduction than that which he now recommended. An argument made use of by the hon. member for Lambton the other day would justify him in this course. That hon. member in calling upon him to assume the responsibility of saying that he assented to the Grand Trunk Bill, warned him of the consequences, that he would have to make provision for the interest on the debentures issued to the company. That warning no doubt was given in good faith, and it might reasonably be expected that at no distant day provision would have to be made for those debentures. Was it safe then to call upon him to sweep away any surplus branch of revenue, and to cut down all their resources to the narrowest limits? He could not concur in the idea that they should not take up the debentures falling due next year, but should make a new loan. He did not think the season would be propitious for making a new loan.²⁵²

MR. WILSON defended the opposition from the charge of the Inspector General that their policy on this occasion had been ungenerous.²⁵³ He desired a reduction of the Tariff and even if the late Ministry had lasted and he been one of their supporters, he should still have felt it his duty to ask them their reasons for not reducing the Tariff. He contended that there was no inconsistency in the course pursued by the appropriation as was contended by Mr. Cayley.²⁵⁴ The hon. gentleman, he thought, had done them injustice. They had asked him to bring forward his commercial policy, believing that it would be something which would really relieve the country, but, finding that it was such a paltry reduction that was proposed, he thought they were quite justified in asking a delay till the estimates should be laid before them, that they might have an opportunity of judging for themselves whether they could not carry it further, keeping in view that there was such a large surplus in the hands of the Government.²⁵⁵

MR. HINCKS denied that there was any such large surplus, or that there was any reasonable ground for the supposition that there would be any surplus at all at the end of this year. (Oh! oh!) The honorable Inspector General had shewn that at the commencement of the present year, the accumulated surplus of a series of years, during which honorable gentlemen had always been talking of large surpluses, did not at the outside exceed £150,000. (Oh! oh!)²⁵⁶

MR. HOLTON.--Look at your own accounts.²⁵⁷

MR. BROWN.--The honorable Inspector General took out of the surplus a number of large sums belonging to this year, and then said that only £150,000 remained. He struck a forced balance. If he had deducted some of the proposed expenditures a year hence--in the same way, he might have extinguished the £150,000.²⁵⁸

MR. HINCKS said that honorable gentlemen did not choose to understand the public accounts, or they would see that the large balances they spoke of might really have been all²⁵⁹ unpaid appropriations made²⁶⁰ by Acts of Parliament, although the money might not have been called for.²⁶¹ He did not believe that

after paying for these there would be more than £150,000 at the credit of the Government.²⁶²

MR. YOUNG said he understood the public accounts and stated that there were £360,000 stg. invested in consols in England besides the balances in this Province.²⁶³

MR. HINCKS.--What! Do you include the Clergy Reserves Fund? That was just one item of that sum invested in England.²⁶⁴

MR. LANGTON gave the details of a calculation he had made, shewing that there would be a surplus at the end of this year of about £690,000. He thought they should not be content with a reduction on the tariff of £100,000, but that they might at least venture on another £100,000.²⁶⁵

MR. BROWN said that altogether the Inspector General must have had an income this year of £1,400,000, and as the extraordinary charges were placed against the surplus of 1853, the expenditures could not exceed £700,000, which would leave a surplus, (including that of 1853) at the end of this year of between £800,000 and £900,000.²⁶⁶

The first clause was then carried.²⁶⁷

MR. YOUNG moved in amendment [to the second clause] that the duty on sugar be reduced to 30 per cent ad valorem. He afterwards, at the suggestion of Mr. Hartman, substituted 25 per cent.²⁶⁸

The amendment was lost on a division.²⁶⁹

MR. AT. GEN. J.A. MACDONALD said in reply to [the] demand to put off the consideration of the Tariff, that it was the custom in England to pass through the Tariff at once as soon as it was introduced. One reason of that was to prevent speculation on the proposed changes.²⁷⁰

MR. HOLTON alors demande un délai de deux jours, disant que quoiqu'il ait envoyé à Montréal un tableau des changements que l'Inspecteur-général propose de faire aussitôt qu'il l'a eu entre les mains, il n'a reçu de réponse que le soir suivant.²⁷¹

MR. INSP. GEN. CAYLEY répond que le membre pour Montréal l'a pressé d'amener son plan devant la chambre et il l'a fait aussi vite que possible. Il ne voit maintenant aucune raison pour remettre la discussion; au contraire il considère que les commerçants doivent savoir tout de suite quels seront les impôts payables au printemps.²⁷²

MR. HOLTON demande donc si l'Inspecteur-général est décidé de faire passer son projet ce soir même, sans admettre de changements.²⁷³

MR. INSP. GEN. CAYLEY dit qu'oui (sic).²⁷⁴

MR. HOLTON répond que dans ce cas il ne peut rien dire davantage.²⁷⁵ [He] said that at midnight further discussion was useless, if the Inspector General intended to push through his measure in all its enormity, without allowing any improvement even in its details. He might as well go farther and carry it through all its stages at once.²⁷⁶ Il a compris l'autre soir que l'Inspecteur-général voulait avoir l'aide de la chambre pour rendre son projet aussi parfait que possible, mais si cela n'est pas, il (M. Holton) rejettera sur ce monsieur toute la responsabilité de sa mesure, et il se contentera de faire enregistrer son protêt, lorsqu'on fera la motion pour le concours de la chambre sur le rapport du comité.²⁷⁷

Le comité alors prend en considération quelques-unes des clauses du projet.²⁷⁸

MR. INSP. GEN. CAYLEY said that members would have an opportunity of moving amendments on Monday, and taking the sense of the House on them.²⁷⁹

MR. HARTMAN attire l'attention de l'Inspecteur-général sur ce que l'impôt sur le café était le même sur le café vert et le café rôti. Cela donnera une faveur très considérable à l'importation du café rôti, et l'effet en sera qu'on importera beaucoup de mauvais café--quelque fois peut-être des fèves et des pois (sic).²⁸⁰

MR. YOUNG.--It will raise the value of beans. (Laughter.)²⁸¹

MR. INSP. GEN. CAYLEY consented to amend what was complained of, by raising the duty on roasted coffee to 2d. leaving the duty on other coffee at 1d.²⁸²

MR. LANGTON.--I wish the honorable Inspector General was as ready to take off duties as he is to put them on. (Hear, hear.)²⁸³

MR. HOLTON said that this was an example of what might have been done in the way of removing obvious absurdities from the measure, if a night had been devoted, as proposed by the opposition, to discussing it in detail.²⁸⁴ Il a demandé un délai parce qu'il a voulu indiquer à ce monsieur cette erreur, et quelques autres également absurdes qui se trouvent dans son projet.²⁸⁵

MR. AT. GEN. J.A. MACDONALD asked what other absurdity could be pointed out.²⁸⁶

MR. HOLTON mentioned the instance of unmanufactured tobacco, which instead of being in the free list like all the other articles affected by the Reciprocity Treaty, was subjected to the same duty as manufactured tobacco. For economical reasons, also, independently of the Reciprocity Treaty, it was absurd to tax the unmanufactured at the same rate as the manufactured article.²⁸⁷

An amendment was made on the Government measure in this particular also, and the other clauses having been adopted, the committee rose.²⁸⁸

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Crawford reported, That the Committee had come to several Resolutions. Ordered, That the Report be received on Monday next.

The Honorable Mr. Chauveau, one of Her Majesty's Executive Council, presented (sic), pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 31st ultimo, praying His Excellency to cause to be laid before the House, information as to the nature of the Title granted to the parties who now enjoy the exclusive right to the Fisheries at the following places: Peach Island and Fighting Island in the River Detroit, and Point Pelee on Lake Erie.

*Secretary's Office,
Quebec, 23rd November, 1854.*

*By Command,
Pierre J.O. Chauveau,
Secretary.*

*Crown Land Department.
Quebec, 15th November, 1854.*

Sir,--I have the honor to acquaint you in reference to your Letter of the 2nd instant, with a view to supplying information to be laid before the Legis-

lative Assembly, that a License of Occupation for Peach Island, opposite the Township of Sandwich, issued in favor of William McCrae, Esquire, under an Order in Council of 16th June, 1834.

With respect to Point Pelée, a Licence of Occupation for the southerly

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450 acres, was issued in the year 1846, in favor of Mr. Thomas Paxton, under authority of an Order in Council of 27th August, 1845. These Licenses of Occupation having been prepared in the Office of the Provincial Secretary, you will be enabled to explain whether they contain any special clause conferring exclusive Fishing privileges.

In regard to Fighting Island, otherwise known as Isle aux Dindes, the records of this Department do not exhibit the issue of any Lease or License of Occupation; but on the 1st August, 1826, an application from Mr. Thomas Paxton, was reported upon for the information of His Excellency the Lieutenant Governor, by the Surveyor General, but no evidence can be discovered in this Office that permission was obtained by any person to assume exclusive possession for the purpose of carrying on Fishing operations. The Naval Vesting Acting Act renders Point Pelée a Naval Reserve.

Edmund A. Meredith Esquire,
Assistant Secretary West,
&c., &c., &c.

I have the honor to be Sir,
Your obedient humble Servant,
A.N. Morin,
Commissioner.

Province of Canada.

By His Excellency Lieutenant General The Right Honorable Charles Murray, Earl Cathcart of Cathcart, in the County of Renfrew, K.C.B., Administrator of the Government of the Province of Canada, and Commander of the Forces in British North America, &c., &c., &c.

To all to whom these Presents shall come,

Greeting:

Know ye, that I have granted and do hereby grant unto Thomas Paxton, of the Town of Amherstburg, in the County of Essex, in the Western District, Gentleman, license to occupy that certain parcel or tract of land in the Township of Mersea, in the County of Essex, in the Western District, in Our said Province, containing together Four hundred and fifty acres more or less, being composed of the southern part of Point Pelée, otherwise called South Foreland, for a Fishing Station, that is to say,--Commencing at the water's edge of Lake Erie at the extreme point, then North-westerly along the water's edge till the distance shall make four hundred and fifty acres, then North seventy-two degrees East across the point, fifty-one chains fifty links more or less, to the water's edge on the Easterly side of the said Point, then Southerly always following the said water's edge to the place of beginning; reserving, nevertheless, free access to the shore of the said Point, for all vessels, boats, and persons: To have, hold, and occupy the said parcel or tract of land for and during pleasure, yielding and paying therefor yearly and every year during the term of the occupation of the said lands, to Her Majesty, Her Heirs and Successors, the clear rent or sum of Twelve pounds ten shillings of lawful money of the said Province of Canada, by equal portions, on the twenty-first day of January and the twenty-first day of July in each and every year; the first payment thereof to be made on the twenty-first day of July now next ensuing: Provided always, that the said Thomas Paxton shall, when thereunto duly required, surrender the said parcel or tract of land, freed from all claim to compensation for buildings or other improvements which shall or may be erected and made thereon.

Given under my hand and seal at Montreal, this twenty-first day of January,
in the Year of our Lord One thousand eight hundred and forty-six, and
in the ninth year of Her Majesty's Reign.

By Command.

(Signed,) D. Daly.

(Signed.)

Cathcart.

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Memorandum.--It does not appear from the Records of the Provincial Secretary's Office, that any License of Occupation was ever issued for Fighting Island. No Record has been kept of the License of Occupation alluded to in the accompanying Letter from the Commissioner of Crown Lands, as having been issued to William McCrae, Esquire, in the year 1834.

Secretary's Office.

Quebec, 23d November, 1854.

Pierre J.O. Chauveau,

Secretary.

Mr. Masson moved, seconded by Mr. Somerville, and the Question being put, That this House do now adjourn:--It passed in the Negative.

The Order of the day for the second reading of the Bill to make legal the Assessments made in Upper Canada during the year 1854, and to extend the time for making Assessments, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Attorney General Macdonald, Mr. Sidney Smith, Mr. Lyon, Mr. Holcy, and Mr. Arthur M. Gordon, to report thereon at all convenient speed; with power to send for persons, papers, and records.

Mr. Mackenzie moved, seconded by Mr. Brown, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Frazer, John H. Macmillan, McManis, Nassar, James Smith,
Somerville, and Southwick.--(8.)

NAYS.

Messieurs Aikins, Brodeur, Cartier, Cauchon, Côté, Dupuis, Gauthier, Chisholm, Crawford, Chrysler, Jean B. Lavast, Roche, Thome, Desjardins, Attorney General Drummond, Ferres, Foley, Octave J. Fother, Fournier, Gauthier, Hartman, Hincks, Holton, Labelle, Laporte, Lavoie, Lyon, Meehan, Attorney General MacDonald, Mongenais, Morin, Poirier, Poirier, Robert P. General J. Smith, Sidney Smith, Spence, Stevenson, Thibault, Veillette, and many.--(40.)

So it passed in the Negative.

The Order of the day for the second reading of the Bill to amend the Act of incorporation of the North Shore Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Then, on motion of Mr. Somerville, seconded by Mr. Masson,

The House adjourned until Monday next.

FOOTNOTES: 24 NOVEMBER 1854.

1. MORNING CHRONICLE, 29 November 1854.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. GLOBE, 4 December 1854 (in Scrapbook Hansard).
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. GLOBE, 4 December 1854 (in Scrapbook Hansard). The newspaper reports only that the Petition was of the Inhabitants of Port Sarnia, while the journal reports it was on behalf of the inhabitants of the County of Lambton. The confusion may result from the fact that Port Sarnia is in the County of Lambton.
14. LA MINERVE, 2 December 1854.
15. MORNING CHRONICLE, 29 November 1854.
16. GLOBE, 4 December 1854 (in Scrapbook Hansard).
17. LE PAYS, 2 December 1854.
18. GLOBE, 4 December 1854 (in Scrapbook Hansard).
19. LE PAYS, 2 December 1854.
20. GLOBE, 4 December 1854 (in Scrapbook Hansard).
21. LE PAYS, 2 December 1854.
22. GLOBE, 4 December 1854 (in Scrapbook Hansard).
23. IBID.
24. LE PAYS, 2 December 1854.
25. GLOBE, 4 December 1854 (in Scrapbook Hansard).
26. MORNING CHRONICLE, 29 November 1854.
27. GLOBE, 4 December 1854 (in Scrapbook Hansard).
28. MORNING CHRONICLE, 29 November 1854.
29. GLOBE, 4 December 1854 (in Scrapbook Hansard).
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. MORNING CHRONICLE, 29 November 1854.
35. GLOBE, 4 December 1854 (in Scrapbook Hansard).
36. MORNING CHRONICLE, 29 November 1854.
37. GLOBE, 4 December 1854 (in Scrapbook Hansard).
38. MORNING CHRONICLE, 29 November 1854.
39. GLOBE, 4 December 1854 (in Scrapbook Hansard).
40. MORNING CHRONICLE, 29 November 1854.
41. GLOBE, 4 December 1854 (in Scrapbook Hansard).
42. MORNING CHRONICLE, 29 November 1854.
43. GLOBE, 4 December 1854 (in Scrapbook Hansard).
44. MORNING CHRONICLE, 29 November 1854.
45. GLOBE, 4 December 1854 (in Scrapbook Hansard).
46. MORNING CHRONICLE, 29 November 1854.

47. GLOBE, 4 December 1854 (in Scrapbook Hansard).
48. MORNING CHRONICLE, 29 November 1854.
49. GLOBE, 4 December 1854 (in Scrapbook Hansard).
50. MORNING CHRONICLE, 29 November 1854.
51. GLOBE, 4 December 1854 (in Scrapbook Hansard).
52. MORNING CHRONICLE, 29 November 1854.
53. GLOBE, 4 December 1854 (in Scrapbook Hansard).
54. MORNING CHRONICLE, 29 November 1854.
55. GLOBE, 4 December 1854 (in Scrapbook Hansard).
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. MORNING CHRONICLE, 29 November 1854.
63. GLOBE, 4 December 1854 (in Scrapbook Hansard).
64. MORNING CHRONICLE, 29 November 1854.
65. GLOBE, 4 December 1854 (in Scrapbook Hansard).
66. MORNING CHRONICLE, 29 November 1854. NORTH AMERICAN WEEKLY, 13 December 1854, reports that the Debentures fall due in 1856.
67. GLOBE, 4 December 1854 (in Scrapbook Hansard).
68. MORNING CHRONICLE, 29 November 1854. GLOBE, 4 December 1854 (in Scrapbook Hansard), notes that the £75,000 was paid off towards Lord Durham's sinking fund.
69. GLOBE, 4 December 1854 (in Scrapbook Hansard).
70. MORNING CHRONICLE, 29 November 1854.
71. GLOBE, 4 December 1854 (in Scrapbook Hansard).
72. MORNING CHRONICLE, 29 November 1854.
73. IBID.
74. IBID.
75. GLOBE, 4 December 1854 (in Scrapbook Hansard).
76. MORNING CHRONICLE, 29 November 1854.
77. GLOBE, 4 December 1854 (in Scrapbook Hansard).
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. MORNING CHRONICLE, 29 November 1854.
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226. GLOBE, 5 December 1854 (in Scrapbook Hansard). LE PAYS, 2 December 1854, reports that the authority Mr. Holton quoted was a political economist named Mr. Mitchell, while MORNING CHRONICLE, 30 November 1854, reports him as Mr. Mylne.
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INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, First Session, First Part, for the period covered in this volume, that is November 6, 1854 to November 24, 1854 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

As explained in the Introduction to Volume XII, Part I, the subject Index for the entire volume will be contained in the final part.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages.

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